

ATASCOSA COUNTY
COMMISSIONERS COURT
REGULAR MEETING
COMMISSIONER'S COURTROOM, SUITE 203
August 26, 2024
9 a.m.

If after the commencement of the meeting covered by this Notice, the Commissioners Court should determine that a closed or executive meeting or session of the Court is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the Court. Purposes for a closed or executive meeting or session permitted by the Act include the following:

- 551.071 Consultation with Attorney.
- 551.072 Deliberation regarding real property.
- 551.073 Deliberation regarding prospective gifts.
- 551.074 Personnel Matters.
- 551.076 Deliberation regarding security devices or security audits.
- 551.0785 Deliberation involving medical or psychiatric records of individuals.
- 551.084 Investigation; exclusion of witness from hearing.
- 551.087 Deliberation regarding economic development negotiation.
- 551.088 Deliberation regarding test item.

AGENDA

1. Judge Cude: Call to Order.
2. Judge Cude: Prayer; Pledge of Allegiance.
3. Public Comments:
4. Theresa Carrasco: Discuss and/or take appropriate action to conduct a Public Hearing to adopt the Archive Budget Plan for 2025.
 - 1. Open Hearing
 - 2. Close Hearing

Request Commissioners' Court to Adopt the Archive Budget Plan for 2025 in the amount of \$254,000.00 as prescribed by the Local Government Code Section 118.025(g). Ad was placed in the newspaper of local circulation August 14, 2024.
5. Judge Cude: Hold public hearing on the Atascosa County 2025 Proposed Budget. (Pursuant to Texas Local Government Code, Section 111.007a)
 - Open public hearing
 - Close public hearing

Discuss and/or take appropriate action on any necessary changes to the Atascosa County 2025 Proposed Budget. (Pursuant to Texas Local Government Code, Section 111.008b)

6. Judge Cude: Hold public hearing on the Atascosa County 2024 Tax Year, Proposed Property Tax Rate.
- Open public hearing
Close public hearing
- Discuss and/or take appropriate action on any necessary changes to the Atascosa County 2024 Tax Year, Proposed Tax Rate.
7. Judge Cude: Hold a public hearing on salaries, expenses, or allowances that are proposed to be increased for Elected County or Precinct Officers of Atascosa County for the 2025 Atascosa County Budget. The notice was published in the local newspaper for two (2) weeks: August 14, 2024, and August 21, 2024.
- (Pursuant to Local Government Code, Section 152.013b)
- Open Public Hearing
Close Public Hearing
- Discuss and/or take appropriate action to set the salaries, expenses, and allowances for Elected County or Precinct Officers of Atascosa County for the budget year beginning January 1, 2025, and ending on December 31, 2025.
- (Pursuant to Texas Local Government Code, Section 152.013a)
8. Tracy Barrera: Discuss and/or take appropriate action on adopting the Atascosa County 2025 Budget by record vote.
- (Pursuant to Texas Local Government Code, Section 111.008a)
- Discuss and/or take appropriate action to ratify the property tax increase (raising more revenue) reflected in the Atascosa County 2025 Budget.
- (Pursuant to Texas Local Government Code, Section 111.008c)
- Discuss and/or take appropriate action on adopting the 2024 Tax Rate of 0.383761 for Atascosa County General by record vote.
- Discuss and/or take appropriate action on adopting the 2024 Tax Rate of 0.074150 for Atascosa County Lateral Road by record vote.
- Discuss and/or take appropriate action on adopting the 2024 Tax Rate of 0.024977 for Atascosa County Debt Rate by record vote.
- Discuss and/or take appropriate action on adopting the 2024 Total Tax Rate of 0.482888 for Atascosa County by record vote.
9. Judge Cude:
Trent Rowell: Discuss and/or take appropriate action pursuant to Texas Health and Safety Code Section 775.015, calling for public hearing at 9:00 a.m. on September 9, 2024, in the regular commissioner's court meeting, regarding the petition filed for the creation of Atascosa County Emergency Services District No. 2 and calling for placing the matter on the ballot in November 2024.

10. Jeff Chicoine: Discuss and/or take appropriate action to approve the Jourdanton 1909 Association's request to use the county property behind the Annex for Small Business Saturday on November 30, 2024, and for Founder's Day during the third weekend in May 2025.
11. Veronica Sanchez:
Camino Real Judge Cude Discuss and/or take appropriate action to approve the presentation of the Atascosa County Local Match commitment/requirements for Camino Real Community Services for FY 2025, and approval of the same.
12. Audrey Gossett
Louis: Discuss and/or take appropriate action concerning personnel:
- | | |
|---------------------|---|
| Existing Employee | Rene Gade Williams |
| Position: | Administrative Asst.(from Temporary Part-time) |
| Pay Rate: | \$36,100.00 annually |
| Salary Budget Area: | 047-400-404 |
| Start Date: | August 26, 2024 |
| Physical: | completed |
| Drug Test: | completed |
| New Employee: | Cynthia Pawelek |
| Position: | Temporary Part Time Admin. |
| Pay Rate: | \$20.00 per hr. |
| Salary Budget Area: | D.A. Rural Law Enforcement Grant Senate Bill(SB)22: 141-400-406 |
| Start Date: | September 3, 2024 |
| Physical: | pending |
| Drug Test: | pending |
13. Sarah Rihn: Discuss and/or take appropriate action concerning personnel:
- | | |
|---------------------|----------------------|
| New Employee: | Jarod Martinez |
| Position: | Kennel Tech |
| Pay Rate: | \$36,000.00 annually |
| Salary Budget Area: | 012-478-404 |
| Start Date: | 09/10/24 |
| Physical: | Complete |
| Drug Test: | Complete |
| New Employee: | Mariano Rodriguez |
| Position: | Kennel Tech |
| Pay Rate: | \$36,000.00 annually |
| Salary Budget Area: | 012-478-404 |
| Start Date: | 09/05/24 |
| Physical: | Complete |
| Drug Test: | Complete |
14. Loretta Holley: Discuss and/or take appropriate action concerning personnel:
- | | |
|---------------|-------------------------|
| New Employee: | Kristina Beavers |
| Position: | Tax Office Deputy Clerk |

Pay Rate: \$40,000 annually
Salary Budget Area: 012-444-402
Start Date: 09/09/2024
Physical: Pending
Drug Test: Pending

New Employee: Tristan Shannon
Position : Tax Office Deputy Clerk
Pay Rate: \$40,000.00 annually
Salary Budget Area: 012-444-402
Start Date: 09/16/2024
Physical: Pending
Drug Test: Pending

15. Fire Marshal Sanchez: Discuss and/or take appropriate action concerning: Approval to adopt an order restricting outdoor burning (burn ban), effective on August 26, 2024 for the period of 60 days (until October 26, 2024) and allow the Fire Marshal to end the Burn Ban without returning to Commissioners Court for approval, when the Fire Marshal determines that the circumstances present in the unincorporated areas of the County no longer create a public safety hazard that would be exacerbated by outdoor burning.
16. Cathy Seiter: Discuss and/or take appropriate action to approve the joint election contracts, if received, between Atascosa County and City of Christine, City of Jourdanon, Jourdanon ISD, Somerset ISD, City of Charlotte.
17. Cathy Seiter: Discuss and/or take appropriate action to approve the Notice of Election and to place the Notice in the Pleasanton Express Newspaper.
18. Laura Pawelek: Discuss and/or take appropriate action to approve the change from monthly to bi-weekly pay periods starting October 2024. Employees will be paid every two weeks. This change aligns with the new payroll software system. A notice with the new pay dates will be included with the September 15th paychecks.
19. Courtney Grier: Discuss and/or take appropriate action concerning personnel:

New Employee: Christopher Vasquez
Position: PRN Paramedic
Pay Rate: \$20.00/hourly
Salary Budget Area: 041-400-518
Start Date: 08/27/24
Physical: Complete
Drug Test: Complete

New Employee: Bryan Borrego
Position: PRN EMT
Pay Rate: \$12.60/hourly
Salary Budget Area: 041-400-518
Start Date: 08/27/2024
Physical: Pending
Drug Test: Pending

20. Britni Van Curan: Discuss and/or take appropriate action concerning:
- A. Conduct a public hearing concerning the Replat of Lots 7, 8, & 9 in the Windmill Ranchettes Subdivision on County Road 329 in Precinct 3.
 - 1. Open public hearing
 - 2. Close public hearing
 - B. Discuss and/or take appropriate action concerning the approval/denial of the Replat of Lots 7, 8, & 9 in the Windmill Ranchettes Subdivision on County Road 329 in Precinct 3.
21. Britni Van Curan: Discuss and/or take appropriate action on the approval/denial of the Capps Addition Subdivision on PR Heavens Lane in Precinct 3.
22. Britni Van Curan: Discuss and/or take appropriate action
- A. Concerning the approval/denial of adopting the practice of Preliminary Plats and Final Plats effective September 1, 2024
 - B. Concerning the approval/denial of updating the Subdivision Fee Schedule to reflect the updated fees for Preliminary Plats and Final Plats effective September 1, 2024.
 - C. Concerning the approval/denial of updates to §7.8 in the Atascosa County Subdivision Regulations updating the requirements for Fiscal Surety effective September 1, 2024.
 - D. Concerning the approval/denial of the changes in the Atascosa County Subdivision Regulations prohibiting the creation of Private Roads in any new development in Atascosa County effective immediately.
 - E. Concerning the approval/denial of updating §4.3 of the Subdivision Regulations to require that all applications for exceptions to the Subdivision Regulations be approved through Commissioners Court effective immediately.
 - F. Concerning the approval/denial of updating the Subdivision Regulations to reflect Atascosa County Rural Development as the point of contact for all development in Atascosa County along with other minor verbiage corrections effective immediately.
23. Sheriff Soward: Discuss and/or take appropriate action concerning personnel:
- | | |
|---------------------|--|
| Existing Employee: | Jonathan Kurtz |
| Position: | Deputy Sheriff |
| Pay Rate: | Move to Tier 1: \$58,000.00 Annually,
\$120.00 Uniform, \$175.00 Holiday, 171
Fluctuating, Continue 1-Year Agency
Probation |
| Salary Budget Area: | 012-440-410 |
| Start Date: | 09/01/2024 |
| Physical: | n/a |
| Drug Test: | n/a |

New Employee: Alfonso Solis
Position: Corrections Officer
Pay Rate: Tier 3: \$47,000.00 Annually, 171 Fluctuating,
\$120.00 Uniform, \$150.00 Holiday, 90-Day
County Probation, 1-Year Agency Probation
Salary Budget Area: 012-442-562
Start Date: 09/03/2024
Physical: Pending
Drug Test: Pending

24. Comm. Gillespie: Discuss and/or take appropriate action concerning personnel:

New Employee: Tomas Villalobes Jr.
Position: CDL driver with Tanker
Indorsement/Operator
Pay Rate: \$46,000.00 annually 40 hours week
Salary Budget Area: 021-400-402
Start Date: 8-26-2024
Physical: complete
Drug Test: complete

25. Eliseo Perez: Discuss and/or take appropriate action concerning personnel:

Existing Employee: Estevan Hernandez Jr.
Position: Road crew member with Texas C.D.L.
(Completed 90 Day Probation)
Pay Rate: \$48,000.00 Annually
Salary Budget Area: 023-400-402
Start Date: August 26, 2024
Physical: N/A
Drug Test: N/A

26. Judge Cude: Discuss and/or take appropriate action concerning Medical Examiners
Contracts.

27. **EXECUTIVE SESSION**

The Regular Session of Atascosa County Commissioners Court will now recess in order to convene in Executive Session according to Texas Government Code 551.071 and 551.074 to discuss personnel and other matters with the County Attorney's office.

28. **OPEN SESSION**

29. Judge Cude: Discuss and/or take appropriate action concerning item(s) discussed in executive session.

30. Judge Cude: Discuss, review and take action to accept and/or approve any
Tracy Barrera: invoices and payroll.

31. Judge Cude: Discuss, review and take action on reports submitted.
Tracy Barrera:

32. **COMMENTS FROM THE COMMISSIONERS COURT (No Action Can Be Taken).** The next Commissioners Court is set for Monday, September 9, 2024.

33. Judge Cude: Adjourn.



Weldon P. Cude, Atascosa County Judge

I, the undersigned, do hereby certify that this notice was posted by 9:00a.m., on Friday, August 23, 2024



Jessica Kidd, Court Coordinator

AGENDA REQUEST (GENERAL)

Agenda Item 4.

Meeting Date: 08/26/2024
Item Title: 2024 Archive Plan
Submitted For: Theresa Carrasco, County Clerk

Discuss and/or take appropriate action concerning:

Theresa Carrasco: Discuss and/or take appropriate action to conduct a Public Hearing to adopt the Archive Budget Plan for 2025.

1. Open Hearing
2. Close Hearing

Request Commissioners' Court to Adopt the Archive Budget Plan for 2025 in the amount of \$254,000.00 as prescribed by the Local Government Code Section 118.025(g). Ad was placed in the newspaper of local circulation August 14, 2024.

ATTACHMENTS

2025 Archive Plan

**COUNTY CLERK'S
ARCHIVE PLAN FOR 2025**

Steps to Implement

- Prepare Archive Plan
- Newspaper Ad Ran 15 days prior to hearing.
- Public Hearing
- Commissioner's Court Approval

Plan

Project will involve page preservation and rebinding of original Deed and Probate books with mechanical binds. The covers of these books are heavily worn and contain pages that are torn and separating from the bindings. The following describes the service that will be provided.

- A) Page Mending
- B) De-acidification
- C) Encapsulation
- D) Binding
- E) Deliverables

Clerk's Archive fund

We continue to work with various book types that need cleaning, de-acidification, mending of tears, removal of scotch and linen tape, removal of residue as the books are encapsulated, preserved, and restored. \$ 254,000.00.

TOTAL AMOUNT ESTIMATED FOR 2024 **\$ 254,000.00**

The County Clerk's office has taken advantage of preserving and maintaining documents with the use of the records management and archive fees. These fees are dedicated to that task. The vast majority of the permanent records in the County Clerk's office were paper based and used on a daily basis by the public making them vulnerable to loss by theft, wear and tear.

Revenue collected and not expended in the year will be carried forward and used toward outstanding balances on the current projects. We will then re-assess and prioritize what records and/or documents need to be completed on future projects and obtain new pricing information to achieve those projects as needed.

On this the 26TH day of August, 2024 the Commissioners' Court of Atascosa County approved the **2025 Archive Plan** for the County Clerk's Office for the preservation and restoration of records.

Signed this the 26TH day of August, 2024.

Weldon P. Cude, County Judge

Mark Gillespie, Commissioner Pct. 1

Mark Bowen, Commissioner Pct. 2

Eliseo Perez, Commissioner Pct. 3

Kennard "Bubba" Riley, Commissioner Pct. 4

Attested by: _____
Theresa Carrasco,
Atascosa County Clerk

AGENDA REQUEST (GENERAL)

Agenda Item 5.

Meeting Date: 08/26/2024
Item Title: Public Hearing on 2025 Proposed Budget
Submitted For: Tracy Barrera, County Auditor

Discuss and/or take appropriate action concerning:

Judge Cude: Hold public hearing on the Atascosa County 2025 Proposed Budget. (Pursuant to Texas Local Government Code, Section 111.007a)

Open public hearing
Close public hearing

Discuss and/or take appropriate action on any necessary changes to the Atascosa County 2025 Proposed Budget. (Pursuant to Texas Local Government Code, Section 111.008b)

ATTACHMENTS

Notice of Hearing on Proposed Budget

NOTICE OF PUBLIC HEARING
On the Proposed 2025 Atascosa County Budget

Pursuant to Local Government Code 111.007, notice is hereby given that a public hearing will be held at the Atascosa County Courthouse, located at 1 Courthouse Circle Drive Suite 203, Jourdanton, Texas 78026
on **Monday August 26, 2024, at 9:00 am.**

The Atascosa County Commissioners Court will consider the proposed annual budget and salaries for the budget year beginning
January 1, 2025, ending on December 31, 2025.

Commissioners County is proposing to
keep the same tax rate as prior year!

Any person may attend and participate in the hearings and all citizens are encouraged to attend. At the conclusion of the public hearing, the Commissioners Court shall take action on the proposed budget.

“This budget will raise more total property taxes than last year's budget by \$2,583,056.00 which is an 8.4152% increase from last year's budget, and of that amount \$549,030.00 is tax revenue to be raised from new property added to the tax roll this year.”

A copy of the proposed budget is available for public inspection at the office of the Honorable Theresa Carrasco, County Clerk, located at 1 Courthouse Circle Drive, Jourdanton, Texas 78026 or on the Atascosa County website at

<http://www.atascosacounty.texas.gov/page/atascosa.Budgets>

AGENDA REQUEST (GENERAL)

Agenda Item 6.

Meeting Date: 08/26/2024
Item Title: Public Hearing on the 2024 Proposed Tax Rate
Submitted For: Tracy Barrera, County Auditor

Discuss and/or take appropriate action concerning:

Judge Cude: Hold public hearing on the Atascosa County 2024 Tax Year, Proposed Property Tax Rate.

Open public hearing
Close public hearing

Discuss and/or take appropriate action on any necessary changes to the Atascosa County 2024 Tax Year, Proposed Tax Rate.

ATTACHMENTS

Notice of Public Hearing on Proposed Tax Rate

Statements required in notice if the proposed tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate, as prescribed by Tax Code §§26.06(b-2).

NOTICE OF PUBLIC HEARING ON TAX INCREASE

This notice only applies to a taxing unit other than a special taxing unit or municipality with a population of less than 30,000, regardless of whether it is a special taxing unit.

PROPOSED TAX RATE	\$ 0.482888	per \$100
NO-NEW-REVENUE TAX RATE	\$ 0.454573	per \$100
VOTER-APPROVAL TAX RATE	\$ 0.541561	per \$100

The no-new-revenue tax rate is the tax rate for the 2024 (current tax year) tax year that will raise the same amount of property tax revenue for Atascosa County (name of taxing unit) from the same properties in both the 2023 (preceding tax year) tax year and the 2024 (current tax year) tax year.

The voter-approval tax rate is the highest tax rate that Atascosa County (name of taxing unit) may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that Atascosa County (name of taxing unit) is proposing to increase property taxes for the 2024 (current tax year) tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON August 26, 2024 at 9:00am (date and time) at the Atascosa County Courthouse at 1 Courthouse Circle Drive Suite 203, Jourdanton, TX 78026 (meeting place).

The proposed tax rate is not greater than the voter-approval tax rate. As a result, Atascosa County (name of taxing unit) is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the Commissioners Court (name of governing body) of Atascosa County (name of taxing unit) at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

$$\text{Property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

(List names of all members of the governing body below, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating absences.)

FOR the proposal: Judge Cude, Commissioner Gillespie, Commissioner Bowen, Commissioner Perez, Commissioner Riley
 AGAINST the proposal: None
 PRESENT and not voting: None
 ABSENT: None

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by Atascosa County last year
(name of taxing unit)
to the taxes proposed to be imposed on the average residence homestead by Atascosa County this year.
(name of taxing unit)

	2023	2024	Change
Total tax rate (per \$100 of value)	2023 adopted tax rate \$0.482888	2024 proposed tax rate \$0.482888	No Increase / No decrease \$0.00 - 0%
Average homestead taxable value	2023 average taxable value of residence homestead \$177,378.00	2024 average taxable value of residence homestead \$201,916.00	Increase of \$24,538.00 or 13.83%
Tax on average homestead	2023 amount of taxes on average taxable value of residence homestead \$856.54	2024 amount of taxes on average taxable value of residence homestead \$975.03	Increase of \$118.48 or 13.83%
Total tax levy on all properties	2023 levy \$30,694,947.58	(2024 proposed rate x current total value)/100 \$33,278,003.15	Increase of \$2,583,055.57 or 8.42%

(Include the following text if these no-new-revenue maintenance and operations rate adjustments apply for the taxing unit)

No-New-Revenue Maintenance and Operations Rate Adjustments

State Criminal Justice Mandate (counties)

The Atascosa County County Auditor certifies that Atascosa County County has spent \$ 276,438.36 in the previous 12 months for the maintenance and operations cost of keeping inmates sentenced to the Texas Department of Criminal Justice. Atascosa County Sheriff has provided Atascosa County information on these costs, minus the state revenues received for the reimbursement of such costs.

This increased the no-new-revenue maintenance and operations rate by 0 /\$100.

Indigent Health Care Compensation Expenditures (counties)

The Atascosa County spent \$ 900,925.48 from July 1 2023 to June 30 2024 on indigent health care compensation procedures at the increased minimum eligibility standards, less the amount of state assistance.

For current tax year, the amount of increase above last year's enhanced indigent health care expenditures is \$ 40,233.17

This increased the no-new-revenue maintenance and operations rate by 0 /\$100.

Indigent Defense Compensation Expenditures (counties)

The Atascosa County spent \$ 672,535.23 from July 1 2023 to June 30 2024 to provide appointed counsel for indigent individuals in criminal or civil proceedings in accordance with the schedule of fees adopted under Article 26.05, Code of Criminal Procedure, and to fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure, less the amount of any state grants received. For current tax year, the amount of increase above last year's enhanced indigent defense compensation expenditures is \$ 672,535.23.

This increased the no-new-revenue maintenance and operations rate by 0 /\$100.

Eligible County Hospital Expenditures (cities and counties)

The Atascosa County spent \$ 0 from July 1 2023 to June 30 2024 on expenditures to maintain and operate an eligible county hospital.

For current tax year, the amount of increase above last year's eligible county hospital expenditures is \$ 0

This increased the no-new-revenue maintenance and operations rate by 0 /\$100.

(If the tax assessor for the taxing unit maintains an internet website)

For assistance with tax calculations, please contact the tax assessor for Atascosa County at (830) 769-3142 or taxoffice@atascosacounty.texas.gov, or visit atascosacountytax.com for more information.

(If the tax assessor for the taxing unit does not maintain an internet website)

For assistance with tax calculations, please contact the tax assessor for Atascosa County at (830) 769-3142 or taxoffice@atascosacounty.texas.gov.

AGENDA REQUEST (GENERAL)

Agenda Item 7.

Meeting Date: 08/26/2024
Item Title: Public Hearing on 2025 Proposed Salary Increases for Elected Officials
Submitted For: Tracy Barrera, County Auditor

Discuss and/or take appropriate action concerning:

Judge Cude: Hold a public hearing on salaries, expenses, or allowances that are proposed to be increased for Elected County or Precinct Officers of Atascosa County for the 2025 Atascosa County Budget. The notice was published in the local newspaper for two (2) weeks: August 14, 2024, and August 21, 2024.
(Pursuant to Local Government Code, Section 152.013b)

Open Public Hearing
Close Public Hearing

Discuss and/or take appropriate action to set the salaries, expenses, and allowances for Elected County or Precinct Officers of Atascosa County for the budget year beginning January 1, 2025, and ending on December 31, 2025.
(Pursuant to Texas Local Government Code, Section 152.013a)

ATTACHMENTS

Notice of Public Hearing on Salary Increase of Elected Officials

NOTICE OF PROPOSED SALARY INCREASE OF ELECTED OFFICERS OF ATASCOSA COUNTY, TEXAS

Notice is hereby given that a public hearing will be held on August 26, 2024 at 9:00 a.m. in the Atascosa County Courthouse located at 1 Courthouse Circle Drive Suite 203, Jourdanton, Texas 78026.

The Atascosa County Commissioners' Court will consider the proposed salaries, supplements and allowances of Elected County or Precinct Officers of Atascosa County for the budget year beginning January 1, 2025 and ending on December 31, 2025.

Pursuant to Local Government Code 152.013

Elected County or Precinct Officers	2024 Salary	2025 Salary	Proposed Increase
County Court at Law Judge Salary **	\$ 98,600.00	\$ 101,000.00	\$ 2,400.00
- Juvenile Board	\$ 4,800.00	\$ 4,800.00	\$ -
- <i>County Court at Law Judge State Supplement*</i>	\$ 84,000.00	\$ 84,000.00	\$ -
County Judge Salary	\$ 80,000.00	\$ 82,400.00	\$ 2,400.00
- County Judge Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
- Juvenile Board	\$ 4,800.00	\$ 4,800.00	\$ -
- County Detention Board	\$ 4,800.00	\$ 4,800.00	\$ -
- <i>County Judge State Supplement*</i>	\$ 25,200.00	\$ 25,200.00	\$ -
Sheriff Salary	\$ 100,000.00	\$ 102,400.00	\$ 2,400.00
- Sheriff Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
- Sheriff Uniform Allowance	\$ 1,440.00	\$ 1,440.00	\$ -
- Sheriff Office Allowance	\$ 1,200.00	\$ 1,200.00	\$ -
County Attorney Salary	\$ 78,000.00	\$ 80,400.00	\$ 2,400.00
- <i>County Attorney State Supplement*</i>	\$ 28,000.00	\$ 28,000.00	\$ -
Commissioner, Pct. 1 Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
- County Detention Board	\$ 4,800.00	\$ 4,800.00	\$ -
- Commissioner, Pct. 1 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
Commissioner, Pct. 2 Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
- County Detention Board	\$ 4,800.00	\$ 4,800.00	\$ -
- Commissioner, Pct. 2 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
Commissioner, Pct. 3 Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
- County Detention Board	\$ 4,800.00	\$ 4,800.00	\$ -
- Commissioner, Pct. 3 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
Commissioner, Pct. 4 Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
- County Detention Board	\$ 4,800.00	\$ 4,800.00	\$ -
- Commissioner, Pct. 4 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
District Clerk Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
County Treasurer Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
County Clerk Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00

NOTICE OF PROPOSED SALARY INCREASE OF ELECTED OFFICERS OF ATASCOSA COUNTY, TEXAS

Notice is hereby given that a public hearing will be held on August 26, 2024 at 9:00 a.m. in the Atascosa County Courthouse located at 1 Courthouse Circle Drive Suite 203, Jourdanon, Texas 78026.

The Atascosa County Commissioners' Court will consider the proposed salaries, supplements and allowances of Elected County or Precinct Officers of Atascosa County for the budget year beginning January 1, 2025 and ending on December 31, 2025.

Pursuant to Local Government Code 152.013

Elected County or Precinct Officers	2024 Salary	2025 Salary	Proposed Increase
County Tax-Collector Salary	\$ 77,000.00	\$ 79,400.00	\$ 2,400.00
- County Tax-Collector Assessing Fee Allowance	\$ 2,000.00	\$ 2,000.00	\$ -
Justice of the Peace, Pct. 1 Salary	\$ 55,000.00	\$ 57,400.00	\$ 2,400.00
- Justice of the Peace, Pct. 1 Travel Allowance	\$ 12,000.00	\$ 12,000.00	\$ -
Justice of the Peace, Pct. 2 Salary	\$ 55,000.00	\$ 57,400.00	\$ 2,400.00
- Justice of the Peace, Pct. 2 Travel Allowance	\$ 12,000.00	\$ 12,000.00	\$ -
Justice of the Peace, Pct. 3 Salary	\$ 55,000.00	\$ 57,400.00	\$ 2,400.00
- Justice of the Peace, Pct. 3 Travel Allowance	\$ 12,000.00	\$ 12,000.00	\$ -
Justice of the Peace, Pct. 4 Salary	\$ 55,000.00	\$ 57,400.00	\$ 2,400.00
- Justice of the Peace, Pct. 4 Travel Allowance	\$ 12,000.00	\$ 12,000.00	\$ -
Constable, Pct. 1 Salary	\$ 55,000.00	\$ 59,000.00	\$ 4,000.00
- Constable, Pct. 1 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
- Constable, Pct. 1 Uniform Allowance	\$ 1,440.00	\$ 1,440.00	\$ -
Constable, Pct. 2 Salary	\$ 55,000.00	\$ 59,000.00	\$ 4,000.00
- Constable, Pct. 2 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
- Constable, Pct. 2 Uniform Allowance	\$ 1,440.00	\$ 1,440.00	\$ -
Constable, Pct. 3 Salary	\$ 55,000.00	\$ 59,000.00	\$ 4,000.00
- Constable, Pct. 3 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
- Constable, Pct. 3 Uniform Allowance	\$ 1,440.00	\$ 1,440.00	\$ -
Constable, Pct. 4 Salary	\$ 55,000.00	\$ 59,000.00	\$ 4,000.00
- Constable, Pct. 4 Travel Allowance	\$ 18,000.00	\$ 18,000.00	\$ -
- Constable, Pct. 4 Uniform Allowance	\$ 1,440.00	\$ 1,440.00	\$ -

* These salaries / supplements are funded and / or mandated by the state.

AGENDA REQUEST (GENERAL)

Agenda Item 8.

Meeting Date: 08/26/2024
Item Title: Adoption of Budget and Tax Rate
Submitted For: Tracy Barrera, County Auditor

Discuss and/or take appropriate action concerning:

Tracy Barrera: Discuss and/or take appropriate action on adopting the Atascosa County 2025 Budget by record vote.
(Pursuant to Texas Local Government Code, Section 111.008a)

Discuss and/or take appropriate action to ratify the property tax increase (raising more revenue) reflected in the Atascosa County 2025 Budget.
(Pursuant to Texas Local Government Code, Section 111.008c)

Discuss and/or take appropriate action on adopting the 2024 Tax Rate of 0.383761 for Atascosa County General by record vote.

Discuss and/or take appropriate action on adopting the 2024 Tax Rate of 0.074150 for Atascosa County Lateral Road by record vote.

Discuss and/or take appropriate action on adopting the 2024 Tax Rate of 0.024977 for Atascosa County Debt Rate by record vote.

Discuss and/or take appropriate action on adopting the 2024 Total Tax Rate of 0.482888 for Atascosa County by record vote.

AGENDA REQUEST (GENERAL)

Agenda Item 9.

Meeting Date: 08/26/2024
Item Title: Call for public hearing regarding creation of Atascosa County ESD No. 2.
Submitted For: Weldon Cude, County Judge

Discuss and/or take appropriate action concerning:

Judge Cude: Discuss and/or take appropriate action pursuant to Texas Health and Safety
Trent Rowell: Code Section 775.015, calling for public hearing at 9:00 a.m. on September 9, 2024, in the regular commissioner's court meeting, regarding the petition filed for the creation of Atascosa County Emergency Services District No. 2 and calling for placing the matter on the ballot in November 2024.

AGENDA REQUEST (GENERAL)

Agenda Item 10.

Meeting Date: 08/26/2024

Item Title:

Submitted For:

Discuss and/or take appropriate action concerning:

Jeff Chicoine: Discuss and/or take appropriate action to approve the Jourdanton 1909 Association's request to use the county property behind the Annex for Small Business Saturday on November 30, 2024, and for Founder's Day during the third weekend in May 2025.

AGENDA REQUEST (GENERAL)

Agenda Item 11.

Meeting Date: 08/26/2024

Item Title:

Submitted For:

Discuss and/or take appropriate action concerning:

Veronica Sanchez: Discuss and/or take appropriate action to approve the presentation of the
Camino Real Atascosa County Local Match commitment/requirements for Camino Real
Judge Cude Community Services for FY 2025, and approval of the same.

ATTACHMENTS

Information



CAMINO REAL COMMUNITY SERVICES
19965 F.M. 3175 NORTH, P.O. BOX 725, LYTLE, TX 78052

Phone: (210) 357-0300 Fax: (830) 772-4305
Crisis Hotline: (800) 543-5750

Veronica A. Sanchez, M.A., LPC-S, Executive Director

August 22, 2024

VIA U.S. FIRST-CLASS MAIL

The Honorable Weldon Cude
Atascosa County Judge
#1 Courthouse Circle Drive, Suite 206
Jourdanton, TX 78026
RE: Camino Real Community Services – FY 2025 Local Match

Dear Judge and Commissioners:

Enclosed is the annual request from Camino Real Community Services for the match contribution from your county. As you are aware, Camino Real Community Services receives General Revenue from the Texas Health and Human Services Commission (HHSC)—Behavioral Health Services Division, and the Texas Health and Human Services Commission (HHSC)—Intellectual Developmental Disabilities Division, to plan, develop, and implement services for persons with mental health and intellectual/developmental disabilities in your county. These state agencies require that the Center's sponsoring counties provide a match contribution for this General Revenue. The match contribution may be met through an "in-kind" or cash donation.

In addition, I am enclosing the following documents that support this annual request:

- a. Health & Safety Code Chapter 615.001- County Responsibility
- b. Inter-local Agreement between the Camino Real Sponsoring Counties
- c. Texas Laws Relating to Mental Health- 22nd Edition

The FY 2025 Commitment sheet for Match Contribution to Camino Real Community Services is enclosed for your review, approval, and signature. I thank you for placing this request on your Commissioners' Court Agenda for approval as necessary. Once approved, please forward the signed **2025 Contribution Commitment** document to my office.

The consumers, staff, and Board of Trustees of Camino Real Community Services sincerely appreciate your commitment and dedicated support to assuring that the residents of Atascosa County have needed services available in their local community.

If you have any questions, or require additional information, please feel free to contact me at your earliest convenience.

Sincerely,

Veronica A. Sanchez
Executive Director
(210) 357-0320

VAS/cab

Enclosures (as stated)

cc: Laura Calvert, Camino Real Board Trustee (representing Atascosa County)
Atascosa County Commissioners Court (4)
Atascosa County Auditor—Tracy Barrera (Suite 105)



COMMITMENT OF REQUIRED MATCH CONTRIBUTION
TO CAMINO REAL COMMUNITY SERVICES

FY 2025

COUNTY: ATASCOSA

Match Required: \$121,505.00

In-kind Credit: \$145,782.00

REQUEST: In-Kind Contribution continues through Atascosa County Advisory Board.

PLEASE COMPLETE FOR FY 2025 CONTRIBUTION COMMITMENT.

Cash Commitment: \$ -0-

In-kind Committed/Credited: \$ 145,782.00

Total Commitment: \$ 145,782.00

Additional Cash Commitment: \$ _____

Check One
Lump Sum ☐ Quarterly ☐
N/A

APPROVED:

Honorable Weldon Cude
Atascosa County Judge

Date: _____

Signed copy
for Judge



COMMITMENT OF REQUIRED MATCH CONTRIBUTION
TO CAMINO REAL COMMUNITY SERVICES

FY 2025

COUNTY: ATASCOSA

Match Required: \$121,505.00

In-kind Credit: \$145,782.00

REQUEST: In-Kind Contribution continues through Atascosa County Advisory Board.

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Cash Commitment: \$ -0-

In-kind Committed/Credited: \$ 145,782.00

Total Commitment: \$ 145,782.00

Additional Cash Commitment: \$ _____

Check One
Lump Sum ☐ Quarterly ☐
N/A

APPROVED:

Honorable Weldon Cude
Atascosa County Judge

Date: _____

Signed
copy for
CRES

HEALTH AND SAFETY CODE

TITLE 1. GENERAL PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

Sec. 1.001. PURPOSE OF CODE. (a) This code is enacted as a part of the state's continuing statutory revision program, begun by the Texas Legislative Council in 1963 as directed by the legislature in the law codified as Chapter 323, Government Code. The program contemplates a topic-by-topic revision of the state's general and permanent statute law without substantive change.

(b) Consistent with the objectives of the statutory revision program, the purpose of this code is to make the law encompassed by this code more accessible and understandable, by:

- (1) rearranging the statutes into a more logical order;
- (2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;
- (3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and
- (4) restating the law in modern American English to the greatest extent possible.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 1.002. CONSTRUCTION OF CODE. Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in this code except as otherwise expressly provided by this code.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 1.003. INTERNAL REFERENCES. In this code:

- (1) a reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of this code; and
- (2) a reference to a subtitle, subchapter, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of this code in which the reference appears.

assistance in completing documents required for application to federal entitlement programs;

(2) obtaining mental health treatment and related support services through the public mental health system for as long as the wrongfully imprisoned person requires assistance; and

(3) obtaining appropriate support services, as identified by the wrongfully imprisoned person and the assigned case manager, to assist the person in making the transition from incarceration into the community.

(c) The office shall submit an annual report to the legislature on the provision of services under this section to wrongfully imprisoned persons.

Added by Acts 2009, 81st Leg., R.S., Ch. 180 (H.B. 1736), Sec. 11, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.002(10), eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1499, eff. April 2, 2015.

CHAPTER 615. MISCELLANEOUS PROVISIONS

Sec. 615.001. COUNTY RESPONSIBILITY. Each commissioners court shall provide for the support of a person with mental illness or an intellectual disability who is:

- (1) a resident of the county;
- (2) unable to provide self-support; and
- (3) cannot be admitted to a state mental health or intellectual disability facility.

Added by Acts 1991, 72nd Leg., ch. 76, Sec. 1, eff. Sept. 1, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1500, eff. April 2, 2015.

Sec. 615.002. ACCESS TO RECORDS BY PROTECTION AND ADVOCACY SYSTEM. (a) Notwithstanding other state law, the protection and advocacy system established in this state under the federal Protection and Advocacy for Individuals with Mental Illness Act (42

The purpose of this agreement is to establish a unified delivery system for mental health/mental retardation services in Atascosa, Dimmit, Frio, Karnes, LaSalle, Maverick, McMullen, Wilson, and Zavala which is to be characterized by a single governing body and administrative structure to ensure the highest quality of care within the limits of the resources available.

II.

The governing body shall be a Mental Health/Mental Retardation Board of Trustees (hereinafter referred to as the "Board") composed of nine (9) members. The decisions and actions of the Mental Health/Mental Retardation Board of Trustees shall be final, with no recourse for appeal to the appointing bodies. It is further agreed that each county judge shall appoint one (1) county resident as a trustee. Terms of appointment shall be for two (2) years; except for the initial appointment, four (4) of the trustees shall be appointed for one (1) year, so as to provide for staggered terms. The counties initially appointing for one (1) year terms shall be selected by lot.

III.

The services shall include all statutorily required core services in such quantities and on Performance Contract terms agreeable to the Texas Department of Mental Health and Mental Retardation and all nine (9) counties.

IV.

It is further agreed that Atascosa, Dimmit, Frio, Karnes, LaSalle, Maverick, McMullen, Wilson, and Zavala shall collectively provide the required local matching funds for state contract support. A proportionate share shall be based upon each county's respective population expressed as a percentage of the total population of the nine (9) counties. The respective population shall be those figures used by the State Department of Health. Local matching funds may include "in-kind" contributions such as fair rental value of office space provided.

VI.

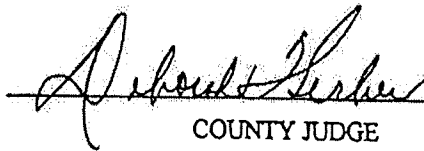
The term of this agreement is from the date of approval by the governing bodies of the counties through August 31, 2002. No party shall have a right to terminate this agreement prior to August 31, 2002, and, this agreement shall automatically continue for each state fiscal year thereafter,

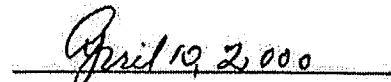
unless the same is specifically terminated in writing by a party of at least sixty (60) days before August 31st of the respective state fiscal year.

Attachments – Nine (9) Inter-Local Agreement to Establish a New MHMR Center Signature Pages

INTER-LOCAL AGREEMENT SIGNATURE PAGE

The Honorable Deborah Herber
Atascosa County Judge
Circle Drive #41
Jourdanton, TX 78026
(830) 769-3093


COUNTY JUDGE


DATE

ATTACHMENT "A"
TO INTERLOCAL AGREEMENT

CAMINO REAL COMMUNITY MHMR CENTER BOARD OF TRUSTEES
ELIGIBILITY CRITERIA AND MEMBERSHIP PROCEDURES

I. ELIGIBILITY CRITERIA

To be considered to qualify and to remain as a member of the Camino Real Community MHMR Center Board of Trustees, the following eligibility criteria must be met:

A. To be considered as a potential appointee, each individual must:

1. Be a qualified voter whose primary residence is in the region served by Camino Real Community MHMR Center (*pursuant to §§543.003 (b) & 534.0065 (c) Texas Health & Safety Code "THSC"*); and
2. Meet eligibility qualifications prohibiting appointment if the individual, or individual's spouse (*pursuant to §534.0065 (b) THSC*):
 - a. owns or controls, directly or indirectly, more than 10% interest in a business entity or organization receiving funds from the center; or
 - b. uses or receives a substantial amount of tangible goods or funds from the center, other than:
 - (1) compensation or reimbursement authorized by law for Board of Trustees, membership, attendance or expenses; or
 - (2) as a consumer or family member of a consumer receiving services from the center.

B. To be qualified as a Trustee, each appointee shall:

1. Attend appropriate Trustee training, prior to the assumption of office (*pursuant to §534.006 THSC*)
2. Execute an affidavit acknowledging the reading of the requirements for qualification, conflict of interest and removal (*pursuant to §534.0065(f) THSC*);
3. Subscribe to (execute) the Statement of Appointed Officer and file such for record pursuant to the requirements of the Texas Secretary of State (*per Texas Constitution Art XVI §1(d)*); and
4. Take the Oath (Affirmation) of Office after executing the Statement of Appointed Officer (*per Texas Constitution Art. XVI §1(c)*).

2. Annually execute and file with the center, not later than the anniversary date of taking office, an affidavit acknowledging the reading of the requirements for qualification, conflict of interest and removal (*per THSC §534.0065 (f)*) ; and
3. Disclose any conflicts of interest in accordance with Chapter 171 Local Government Code (*per THSC §534.0065 (d)*) and
4. Must attend a minimum of 5 meetings per year and have no more than 3 consecutive absences in that year.
5. NOT:
 - a. refer for services a consumer to a business entity owned or controlled by a Trustee, unless the entity is the only entity that provides the needed services within the jurisdiction of the center;
 - b. use a center facility in the conduct of a business entity owned or controlled by that Trustee;
 - c. solicit, accept, or agree to accept a benefit in exchange for the Trustee's decision, opinion, recommendation, vote or other exercise of discretion as a local public official or for a violation of a duty imposed by law;
 - d. receive any benefit for the referral of a consumer to the center or other business entity;
 - e. appoint, vote for or confirm the appointment to a paid office or position with the center if the person is related to the Trustee by affinity within the second degree or by consanguinity within the third degree; (*or violate other nepotism prohibitions concerning hiring of relatives of Trustees by the center as stated in §534.0115 THSC*); or
 - f. solicit or receive a political contribution from a supplier to or contractor with the center.

II. PROCEDURES FOR MEMBERSHIP

Certain procedures relating to Board of Trustee membership must be prescribed by an organizational combination of local agencies that establish a community center (*per §534.004(a) THSC*). These are:

A. Appointment Procedure

1. At least sixty (60) days prior to the termination of a place's two-year term, the Executive Director of Camino Real Community MHMR Center shall assist the appropriate County Commissioners Court by notifying it of such termination. The Court may then choose to either:
 - a. reappoint the member currently serving in that place (if still meeting criteria in Section I, A of this agreement attachment) by

2. When a place on the Board of Trustees becomes vacant, through resignation, inability to serve or removal/non-reappointment, the Executive Director of Camino Real Community MHMR Center shall assist the appropriate County Commissioners by initiating a posting of the vacancy at Camino Real Community MHMR Center offices in the applicable county, at that county's courthouse and through placement for a minimum of five (5) days in a publication of daily, county-wide circulation and a minimum of two (2) days in a publication of weekly, county-wide circulation.
3. All applicants responding to the posting will be given a "Board Member Packet" for review and shall be asked to complete a Board Member Questionnaire (both to be prepared with the assistance of the Board of Trustees of Camino Real Community MHMR Center).
4. Applications will be mailed directly by the applicant to the appropriate County Commissioners Court where the Board vacancy exists. The County Commissioners Court will be responsible for screening each application for qualifications, interviewing applicants and making the final selection. This process can be facilitated by the Executive Director of Camino Real Community MHMR Center.
5. The County Commissioners Court shall review the information and appointment to fill the vacant place. Such appointment shall be in accordance with the Texas Open Meetings Act and the requirements of Section A above. It will also notify the other County Commissioners Courts and Camino Real Community MHMR Center of such appointment.

B. Resignation Procedure

1. A member may resign by submitting his/her written resignation to the Chairperson of the Board of Camino Real Community MHMR Center and to the appropriate County Commissioners Court.
2. A resignation shall be effective as of the date of submission.

C. Removal Procedure

1. All Board of Trustees members serve at the pleasure of the appointing Commissioners Court and may be removed without cause by majority vote of that Commissioners Court.
2. Any Board member who is absent from three (3) consecutive or five (5) total, regularly scheduled Board meetings shall be reported by Camino Real Community MHMR Center's Board Chairman to the appropriate County Commissioners Court for appropriate review and possible removal.

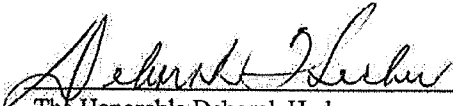
Any Board member who is absent from three (3) consecutive or five (5) total regularly scheduled Board meetings during a fiscal year (period) shall be deemed to have resigned and shall be reported by the Camino Real Community MHMR Center's Board Chairman to the appropriate Commissioners Court for review and filling of the vacancy.

Exceptions to this removal procedure may be made for catastrophic illness or extenuating circumstances by the Board of Trustees.

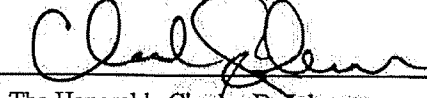
Upon a vacancy declared by the Board, pursuant to section II, the number required to establish a quorum of trustees shall be more than 50% of such remaining trustees, until such positions are filled by appointment.

3. In accordance with §534.0065(g) THSC, it shall be grounds for removal if a Trustee:
- a. did not meet eligibility criteria of Section I, A of this agreement attachment at appointment;
 - b. does not maintain during service on the Board of Trustees the eligibility criteria of Section I, A, B, or C of this agreement attachment.
4. The final decision/determination is the responsibility of the appropriate County Commissioners Court as it affects their representation on the Board of Trustees.

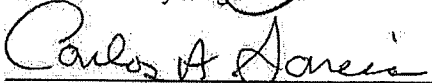
APPROVED:


The Honorable Deborah Herber
Atascosa County Judge

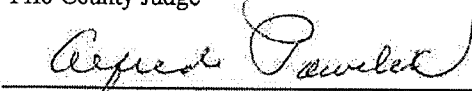
7-19-01
Date


The Honorable Charles D. Johnson
Dimmit County Judge

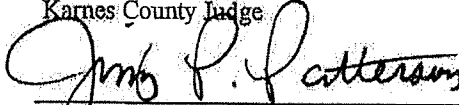
8-7-01
Date


The Honorable Carlos A. Garcia
Frio County Judge

7-20-01
Date


The Honorable Alfred Pawelek
Karnes County Judge

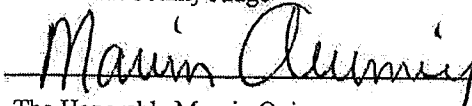
7/20/01
Date


The Honorable Jimmy Perez Patterson
LaSalle County Judge

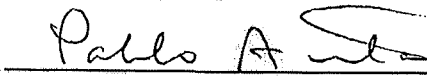
7/20/01
Date


The Honorable Linda Lee Henry
McMullen County Judge

8-8-01
Date


The Honorable Marvin Quinney
Wilson County Judge

08-08-2001
Date


The Honorable Pablo Avila
Zavala County Judge

7/20/01
Date


The Honorable Rogelio Escobedo
Maverick County Judge

8-7-2001
Date



TEXAS
Health and Human
Services

Dr. Courtney N. Phillips
Executive Commissioner

22nd Edition

Texas Laws Relating to Mental Health

*Reflecting changes in law passed by the
86th Legislature, Regular Session – 2019*

The laws reflected in this edition include both substantive and non-substantive revisions to laws passed by the 86th Legislature. Most of the revisions in law take effect on September 1, 2019. Among the many changes are references to agencies, such as the Health and Human Services Commission, that have been updated to reflect the governance of the state hospitals and state supported living centers by the Commission. However, not all laws have been substantively changed to fully reconcile the duties, functions and powers of the Health and Human Service agencies and may still reflect an entity which is no longer performing those duties, functions or powers.

The changes in law from the 86th Leg., R.S. are reflected in the table entitled Index to Sections Affected on pages xix - xxi and contain hyperlinks to the bills on Texas Legislature Online.

Disclaimer – The information contained in this book does not constitute the provision of legal advice. While every attempt has been made to ensure the accuracy of the information contained in this book, the Health and Human Services Commission, its officers and employees disclaim any responsibility for any errors in content or formatting that may be contained herein.

Published by the
Health and Human Services Commission
June 2019

ADVISORY COMMITTEES

Sec.534.012. (a) The board of trustees may appoint committees, including medical committees, to advise the board of trustees on matters relating to mental health and intellectual disability services.

(b) Each committee must be composed of at least three members.

(c) The appointment of a committee does not relieve the board of trustees of the final responsibility and accountability as provided by this subtitle.

COOPERATION OF DEPARTMENTS

Sec.534.013. Each appropriate department shall provide assistance, advice, and consultation to local agencies, boards of trustees, and executive directors in the planning, development, and operation of a community center.

BUDGET; REQUEST FOR FUNDS

Sec.534.014. (a) Each community center shall annually provide to each local agency that appoints members to the board of trustees a copy of the center's:

- (1) approved fiscal year operating budget;
- (2) most recent annual financial audit; and
- (3) staff salaries by position.

~~(b) The board of trustees shall annually submit to each local agency that appoints the members a request for funds or in-kind assistance to support the center.~~

PROVISION OF SERVICES

Sec.534.015. (a) The board of trustees may adopt rules to regulate the administration of mental health or intellectual disability services by a community center. The rules must be consistent with the purposes, policies, principles, and standards prescribed by this subtitle.

(b) The board of trustees may contract with a local agency or a qualified person or organization to provide a portion of the mental health or intellectual disability services.

(c) With the approval of each appropriate commissioner, the board of trustees may contract with the governing body of another county or municipality to provide mental health and intellectual disability services to residents of that county or municipality.

(d) A community center may provide services to a person who voluntarily seeks assistance or who has been committed to that center.

FOR WHOM SERVICES MAY BE PROVIDED

Sec.534.0155. (a) This subtitle does not prevent a community center from providing services to:

- (1) a person with a chemical dependency;
- (2) a person with a developmental disability; or
- (3) a person younger than four years of age who is eligible for early childhood intervention services.

(b) A community center may provide those services by contracting with a public or private agency in addition to the appropriate department.

SCREENING AND CONTINUING CARE SERVICES

Sec.534.016. (a) A community center shall provide screening services for:

- (1) a person who requests voluntary admission to a Department of State Health Services facility for persons with mental illness; and
- (2) a person for whom proceedings for involuntary commitment to a Department of State Health Services or Department of Aging and Disability Services facility for persons with mental illness or an intellectual disability have been initiated.

(b) A community center shall provide continuing mental health and physical care services for a person referred to the center by a Department of State Health Services facility and for whom the facility superintendent has recommended a continuing care plan.

(c) Services provided under this section must be consistent with the applicable rules and standards of each appropriate department.

(d) The appropriate commissioner may designate a facility other than the community center to provide the screening or continuing care services if:



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type: Existing Employee, new position or promotion

Requested Action

Audrey Gossett
Louis:

Discuss and/or take appropriate action concerning personnel:

Existing Employee

Rene Gade Williams

Position:

Administrative Asst.(from Temporary Part-time)

Pay Rate:

\$36,100.00 annually

Salary Budget Area:

047-400-404

Start Date:

August 26, 2024

Physical:

completed

Drug Test:

completed



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

New Employee:	Cynthia Pawelek
Position:	Temporary Part Time Admin.
Pay Rate:	\$20.00 per hr.
Salary Budget Area:	D.A. Rural Law Enforcement Grant Senate Bill(SB)22: 141-400-406
Start Date:	September 3, 2024
Physical:	pending
Drug Test:	pending



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

New Employee:	Mariano Rodriguez
Position:	Kennel Tech
Pay Rate:	\$36,000.00 annually
Salary Budget Area:	012-478-404
Start Date:	09/05/24
Physical:	Complete
Drug Test:	Complete



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

Sarah Rihn:	Discuss and/or take appropriate action concerning personnel:
New Employee:	Jarod Martinez
Position:	Kennel Tech
Pay Rate:	\$36,000.00 annually
Salary Budget Area:	012-478-404
Start Date:	09/10/24
Physical:	Complete
Drug Test:	Complete



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

Loretta Holley:	Discuss and/or take appropriate action concerning personnel:
New Employee:	Kristina Beavers
Position:	Tax Office Deputy Clerk
Pay Rate:	\$40,000 annually
Salary Budget Area:	012-444-402
Start Date:	09/09/2024
Physical:	Pending
Drug Test:	Pending



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

New Employee:	Tristan Shannon
Position :	Tax Office Deputy Clerk
Pay Rate:	\$40,000.00 annually
Salary Budget Area:	012-444-402
Start Date:	09/16/2024
Physical:	Pending
Drug Test:	Pending

AGENDA REQUEST (GENERAL)

Agenda Item 15.

Meeting Date: 08/26/2024
Item Title: Burn Ban Effective August 26, 2024
Submitted For: Ronald Sanchez, Fire Marshal

Discuss and/or take appropriate action concerning:

Fire Marshal
Sanchez: Discuss and/or take appropriate action concerning: Approval to adopt an order restricting outdoor burning (burn ban), effective on August 26, 2024 for the period of 60 days (until October 26, 2024) and allow the Fire Marshal to end the Burn Ban without returning to Commissioners Court for approval, when the Fire Marshal determines that the circumstances present in the unincorporated areas of the County no longer create a public safety hazard that would be exacerbated by outdoor burning.

ATTACHMENTS

Burn Ban 2024



Atascosa County Fire Marshal & Emergency Management Office

711 Broadway Jourdanton, Texas 78026

Tel: 830-769-2029 Fax: 830-767-2600

RONALD SANCHEZ

Fire Marshal

rsanchez@co.atascosa.tx.us



**ATASCOSA COUNTY ORDER RESTRICTING OUTDOOR BURNING
TO INCLUDE PRESCRIBED BURN CRITERIA**

COUNTY OF ATASCOSA

STATE OF TEXAS

ORDER PROHIBITING OUTDOOR BURNING

WHEREAS, Section 352.081 of the Local Government Code provides that the commissioners court of a county, by order, may prohibit outdoor burning in the unincorporated area of the county if the commissioners court makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and,

WHEREAS, the Texas Forest Service has determined that drought conditions, as defined by Section 352.081(a), Local Government Code, exist in all or a part of Atascosa County; and,

WHEREAS, the Atascosa County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Atascosa County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

WHEREAS, Section 352.081 of the Local Government Code provides for exemptions from county burn bans for certified prescribed burn managers meeting the requirements of Natural Resources Code, Ch. 153, and the County Commissioners Court believes that additional exceptions are warranted to reduce the likelihood of dangerous and uncontrolled wildfire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of Atascosa County, Texas not subject to public ownership or stewardship for the duration of the above-mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he/she ignites or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

(2) Enforcement:

(a) Under notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and to extinguish the fire.

(b) If requested by a fire official, a duly commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.

(c) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C Misdemeanor, punishable by a fine up to \$500.

(d) If the responding peace officer finds that the person responsible for the fire is in violation of Section (1) above, a citation shall be issued for: Violation of Burn Ban Order.

(3) Exceptions:

(a) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding if such burning is not malicious or intentional.

(b) This order shall not apply to a prescribed burn conducted by burn personnel of a federal or state agency, or an institution of higher education for prescribed burns on agency owned or managed properties, or for purposes of training local fire department personnel or prescribed burn managers.

(c) This order shall not apply to a prescribed burn conducted for the purpose of research or demonstration by burn personnel of a federal or state agency, or institution of higher education.

(d) This order shall not apply to burning of vegetative material when such burning is performed by an individual with appropriate training and experience in conducting burns and in accordance with a prescribed burn permit application which:

i. addresses the useful nature of such activity

ii. includes appropriate safety and protective measures; and

iii. is submitted to and approved by the Atascosa County Fire Marshal with notice provided to the Fire Chief of the Volunteer Fire Department or Emergency Services District where the burn site is located. The Atascosa County Fire Marshal shall promulgate policies and procedures for the submission and approval of such requests.

(e) This order shall not apply to burns authorized by the Fire Marshal's Office where a permit has been filed for fires other than agricultural purpose.

(f) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

(g) This order shall not prohibit prescribed burning by a commercial or private prescribed burn manager certified by the Texas Department of Agriculture, or by other individual or entities exempted by Section 352.081 of the Local Government Code.

Be it also **ORDERED** that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current dry weather period, by curtailing the practice of outdoor burning without specific approval of the commissioners' court or without appropriate licensing from the state.

This order prohibiting outdoor burning shall remain in effect for a period of 60 days, and shall expire at the end of said period, upon the date set by the Atascosa County Commissioners Court, by order, and allow the Fire Marshal to end the Burn Ban without returning to Commissioners Court for approval when the Fire Marshal determines that the circumstances present in the unincorporated areas of Atascosa County no longer create a public safety hazard that would be exacerbated by outdoor burning.

ORDERED THIS _____ DAY OF _____, 20____, by a vote of _____ ayes and _____ nays.

ATASCOSA COUNTY COMMISSIONERS COURT

Weldon P. Cude
County Judge

Mark Gillespie
Commissioner, Pct. 1

Mark Bowen
Commissioner, Pct. 2

Eliseo Perez
Commissioner, Pct. 3

Kennard Riley
Commissioner, Pct. 4

Attest:

Theresa Carrasco, County Clerk

AGENDA REQUEST (GENERAL)

Agenda Item 16.

Meeting Date: 08/26/2024
Item Title: Approve Contracts for City and School Elections
Submitted For: Cathy Seiter, Elections Admin.

Discuss and/or take appropriate action concerning:

Cathy Seiter: Discuss and/or take appropriate action to approve the joint election contracts, if received, between Atascosa County and City of Christine, City of Jourdanton, Jourdanton ISD, Somerset ISD, City of Charlotte.

**AGENDA REQUEST
(GENERAL)**

Agenda Item 17.

Meeting Date: 08/26/2024
Item Title: Approve Notice of Election
Submitted For: Cathy Seiter, Elections Admin.

Discuss and/or take appropriate action concerning:

Cathy Seiter: Discuss and/or take appropriate action to approve the Notice of Election and to place the Notice in the Pleasanton Express Newspaper.

AGENDA REQUEST (GENERAL)

Agenda Item 18.

Meeting Date: 08/26/2024
Item Title: Payroll Changes
Submitted For: Laura Pawelek, County Treasurer

Discuss and/or take appropriate action concerning:

Laura Pawelek: Discuss and/or take appropriate action to approve the change from monthly to bi-weekly pay periods starting October 2024. Employees will be paid every two weeks. This change aligns with the new payroll software system. A notice with the new pay dates will be included with the September 15th paychecks.



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

Courtney Grier:	Discuss and/or take appropriate action concerning personnel:
New Employee:	Christopher Vasquez
Position:	PRN Paramedic
Pay Rate:	\$20.00/hourly
Salary Budget Area:	041-400-518
Start Date:	08/27/24
Physical:	Complete
Drug Test:	Complete



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

New Employee:	Bryan Borrego
Position:	PRN EMT
Pay Rate:	\$12.60/hourly
Salary Budget Area:	041-400-518
Start Date:	08/27/2024
Physical:	Pending
Drug Test:	Pending

AGENDA REQUEST (GENERAL)

Agenda Item 20.

Meeting Date: 08/26/2024
Item Title: Subdivision - Replat Windmill Ranchettes, Lots 7, 8, & 9
Submitted For: Britni Van Curan, Rural Development Director

Discuss and/or take appropriate action concerning:

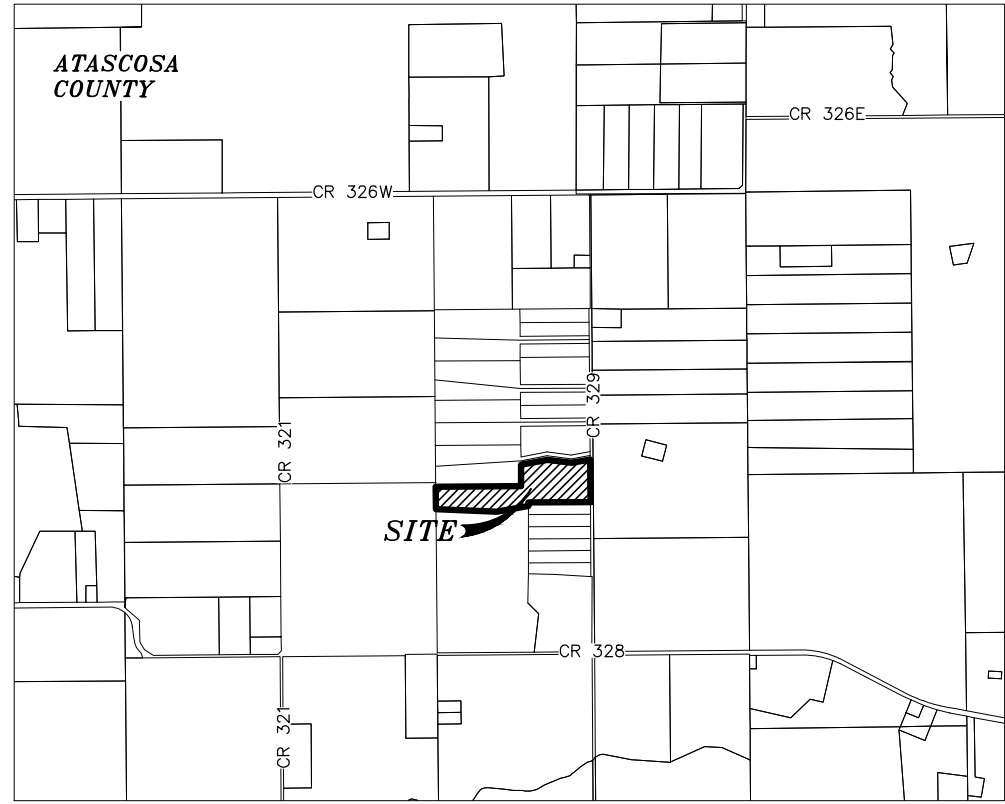
Britni Van Curan: Discuss and/or take appropriate action concerning:

- A. Conduct a public hearing concerning the Replat of Lots 7, 8, & 9 in the Windmill Ranchettes Subdivision on County Road 329 in Precinct 3.
 - 1. Open public hearing
 - 2. Close public hearing
- B. Discuss and/or take appropriate action concerning the approval/denial of the Replat of Lots 7, 8, & 9 in the Windmill Ranchettes Subdivision on County Road 329 in Precinct 3.

ATTACHMENTS

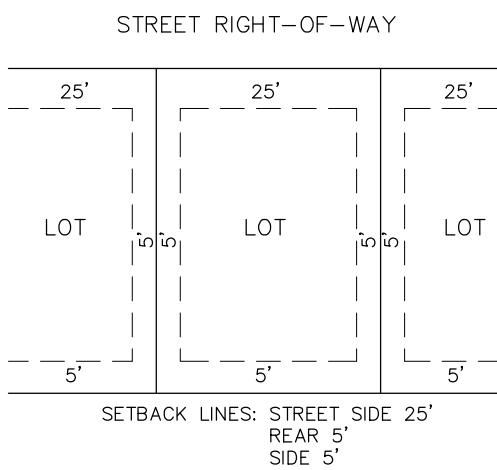
Replat Windmill Ranchettes Lots 7, 8, 9

D:\Info Aug 14, 2024, 9:35am User ID: C402023-1
File: N:\Projects\2023\23-3057 New Sanchez - 198 Arce CR 329 Tract\Civil\REPLAT 240723\23-3057 REPLAT.dwg

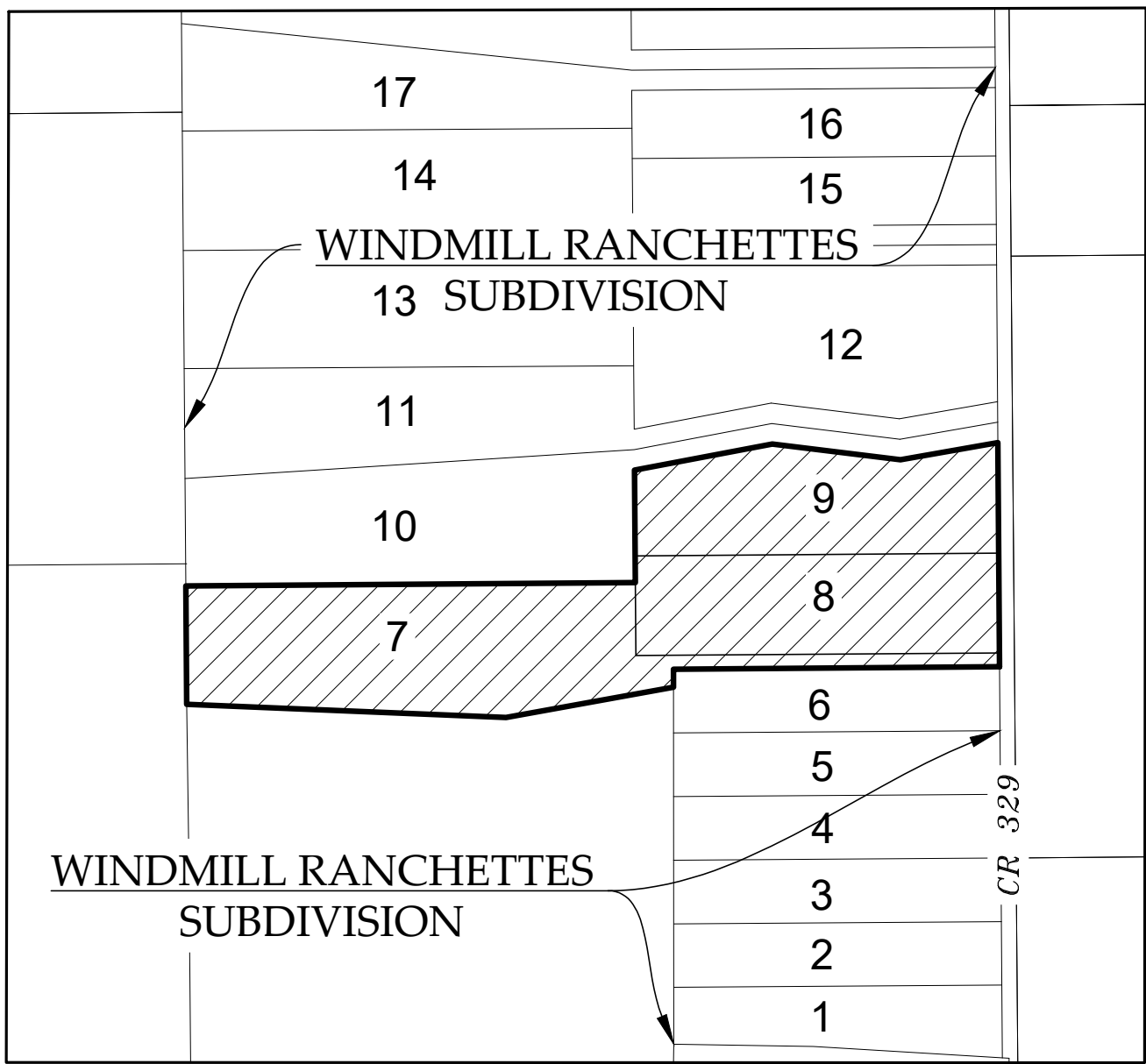
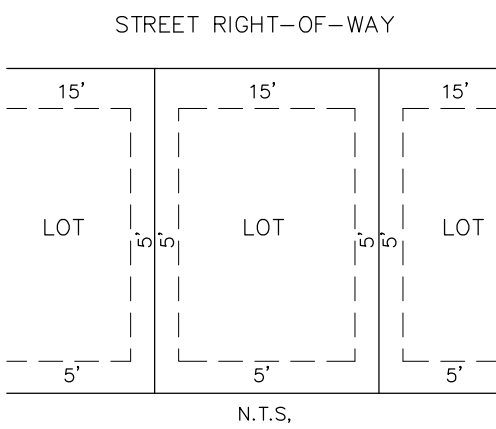


LOCATION MAP
SCALE: 1" = 3000'

TYPICAL LOT
WITH SETBACK LINES



TYPICAL LOT WITH
MINIMUM UTILITY EASEMENT



AREA BEING REPLATTED
SCALE: 1"=500'

LEGEND

D.R. = DEED RECORDS OF
ATASCOSA COUNTY, TEXAS
ESMT = EASEMENT
N.T.S. = NOT TO SCALE
O.P.R. = OFFICIAL PUBLIC RECORDS
OF REAL PROPERTY OF
ATASCOSA COUNTY, TEXAS
PGS. = PAGES
R.O.W. = RIGHT-OF-WAY
VOL. = VOLUME
A.C.A.D. = ATASCOSA COUNTY
APPRAISAL DISTRICT

○ = PREVIOUSLY SET 5/8" STEEL ROD MONUMENT WITH
CAP STAMPED "RAKOWITZ ENGINEERING &
SURVEYING"
■ = CORNER POST
● = SET 5/8" STEEL ROD MONUMENT WITH CAP STAMPED
"RAKOWITZ ENGINEERING & SURVEYING"
— = PROPERTY LINE
— = LOT LINE
— = R.O.W.
— = ADJONER
--- 650 --- = EXISTING CONTOUR

1 LOT NUMBER
1.01 AC GROSS LOT ACREAGE

SURVEYOR NOTES:

- THE BASIS OF BEARING FOR THIS PLAT IS GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), SOUTH CENTRAL ZONE.
- 5/8" STEEL ROD MONUMENT WITH CAP STAMPED "RAKOWITZ ENGINEERING AND SURVEYING" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

FLOODPLAIN NOTE:

THIS PLAT IS NOT WITHIN FEMA FLOODPLAIN PER FEMA FIRM MAP NUMBER 48013C0475C EFFECTIVE NOVEMBER 4, 2010.

ATASCOSA COUNTY SUBDIVISION REGULATION NOTES:

- THE SUBDIVISION IS IN THE JOURDANTON ISD.
- CONVEYANCE OF LOTS SHALL NOT BE PERMITTED UNTIL THE FINAL PLAT HAS BEEN APPROVED BY THE ATASCOSA COUNTY COMMISSIONERS COURT, AND THE RECORDED PLAT FILED WITH THE COUNTY CLERK.
- THE MINIMUM DRIVEWAY CULVERT SIZE FOR EACH LOT SHALL NOT BE LESS THAN 18 INCHES.
- NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER SYSTEM OR AN INDIVIDUAL WATER SYSTEM. DUE TO DECLINING WATER SUPPLY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY ATASCOSA COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.
- NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE ATASCOSA COUNTY HEALTH INSPECTOR.
- NO STRUCTURE OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL FINAL APPROVAL OF THE PLAT BY ATASCOSA COUNTY COMMISSIONERS COURT AND RECORDING OF THE APPROVED PLAT BY THE COUNTY CLERK.
- THE LOCATION AND DIMENSIONS OF STREETS AS SET FORTH AND LAID OUT ON THIS PLAT ARE IN ACCORDANCE WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS OF ATASCOSA COUNTY, TEXAS.
- NO HOMES ARE TO BE BUILT OR BROUGHT ONTO THE LOT(S) UNTIL FLOODPLAIN PERMITS HAVE BEEN OBTAINED AND AN APPLICATION FOR SEPTIC PERMIT HAS BEEN SUBMITTED.
- THIS SUBDIVISION WILL BE SERVED BY MCCOY WATER SUPPLY CORPORATION, 2125 FM 541, MCCOY, TEXAS, 78113. INFORMATION ON THE MCCOY WATER SUPPLY CORPORATION IS AVAILABLE TO PROSPECTIVE PURCHASERS OF LOTS IN THIS SUBDIVISION IN THE OFFICE OF THE COUNTY CLERK OF ATASCOSA COUNTY, TEXAS. MCCOY WATER SUPPLY CORPORATION IS A GROUNDWATER SUPPLIER.
- ELECTRIC SERVICE PROVIDED TO THIS SUBDIVISION BY KARNES ELECTRIC COOPERATIVE INC.
- IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS A DRIVEWAY PERMIT HAS BEEN APPROVED BY THE PRECINCT COMMISSIONER OF ATASCOSA COUNTY OR HIS OR HER DESIGNATED REPRESENTATIVE, OR TEXAS DEPARTMENT OF TRANSPORTATION FOR DRIVEWAYS ENTERING ONTO STATE ROADS, AND THE DRIVEWAY SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE ATASCOSA COUNTY ROAD STANDARDS OR TxDOT STANDARDS, AS APPLICABLE.
- ALL LOTS HAVE BEEN DESIGNED IN COMPLIANCE WITH THE RULES OF ATASCOSA COUNTY FOR ON-SITE SEWAGE FACILITIES.

TYPICAL LOT CULVERT SIZE	
7A	MIN 18"
8A	MIN 18"
9A	MIN 18"

THE STATE OF TEXAS
COUNTY OF ATASCOSA

KNOW ALL MEN BY THESE PRESENTS:

THAT I, WALT F. RAKOWITZ, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND SHOWN HEREON, AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF ATASCOSA COUNTY, TEXAS.

PRELIMINARY

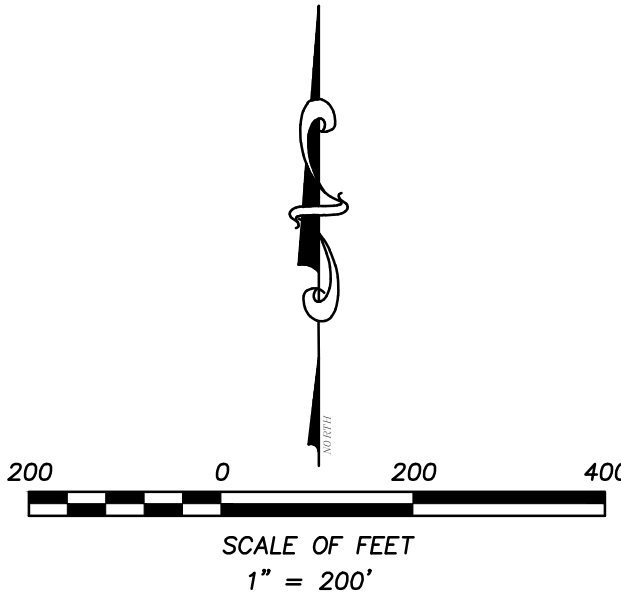
REGISTERED PROFESSIONAL LAND SURVEYOR
WALT F. RAKOWITZ
NO. 6435, STATE OF TEXAS
515 W. OAKLAWN RD, STE A
PLEASANTON, TX 78064

THE STATE OF TEXAS
COUNTY OF ATASCOSA

I, WALT F. RAKOWITZ, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAT PREPARED BY ME, DOES TO THE BEST OF MY KNOWLEDGE ACCURATELY REFLECT THE GENERAL LOCATION (OR ABSENCE) OF ALL STREAMS, RIVERS, PONDS, LAKES, OTHER WATER FEATURES OR ANY SENSITIVE FEATURES AND COMPLIES WITH THE SUBDIVISION AND FLOODPLAIN MANAGEMENT ORDINANCES ADOPTED BY ATASCOSA COUNTY, TEXAS.

PRELIMINARY

LICENSED PROFESSIONAL ENGINEER
WALT F. RAKOWITZ
NO. 96536, STATE OF TEXAS
515 W. OAKLAWN RD, STE A
PLEASANTON, TX 78064



THE STATE OF TEXAS §
COUNTY OF ATASCOSA §

THE OWNER OF THE LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. ADDITIONALLY, THE OWNERS AGREE TO EXTEND PUBLIC UTILITIES LISTED ON THIS PLAT ADJACENT TO EACH PLATTED LOT BEFORE SAID LOT IS SOLD.

OWNER/AGENT: N&J SANCHEZ LLC
NOE SANCHEZ
1502 W. MOORE AVE.
TERRELL, TEXAS 75160

STATE OF TEXAS §
COUNTY OF ATASCOSA §

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS GIVEN UNDER MY HAND AND SEAL OF OFFICE DATED THIS _____ DAY OF _____, 2024 A.D.

NOTARY PUBLIC

CERTIFICATE OF THE PRECINCT COMMISSIONER

I, THE UNDERSIGNED COMMISSIONER IN THE PRECINCT IN WHICH THE LAND SUBDIVIDED ACCORDING TO THE PLAT TO WHICH THIS CERTIFICATE IS PRESENTED, HEREBY CERTIFY THAT I HAVE REVIEWED THE SAID PLAT AND THAT ALL REQUIREMENTS OF ATASCOSA COUNTY FOR THE PRESENTATION OF THE PLAT FOR FINAL APPROVAL HAVE BEEN FULLY MET TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COMMISSIONER PRECINCT 3

CERTIFICATE OF FINAL APPROVAL

APPROVED BY THE COMMISSIONERS COURT OF ATASCOSA COUNTY, TEXAS,
THIS _____ DAY OF _____, 2024 A.D.

ATASCOSA COUNTY JUDGE

COMMISSIONER PRECINCT 1

COMMISSIONER PRECINCT 2

COMMISSIONER PRECINCT 3

COMMISSIONER PRECINCT 4

CERTIFICATE OF COUNTY ATTORNEY

ALL REQUIREMENTS OF THE SUBDIVISION ORDER CURRENTLY IN EFFECT HAVE BEEN MET ACCORDING TO MY BEST KNOWLEDGE AND BELIEF, AND THIS PLAT IS APPROVED FOR FINAL SUBMISSION.

COUNTY ATTORNEY

REPLAT OF LOTS 7, 8, AND 9 OF WINDMILL RANCHETTES SUBDIVISION

BEING 27.36 ACRES, ESTABLISHING LOT 7A, 8A, AND 9A, BEING ALL OF LOTS 7, 8, AND 9 OF THE WINDMILL RANCHETTES SUBDIVISION, DESCRIBED IN AN INSTRUMENT, RECORDED IN SHEET 428-A, NEW PLAT CABINET, MAP AND PLAT RECORDS, ATASCOSA COUNTY, TEXAS. BEING 27.36 ACRES OUT OF THE J. NEILL SURVEY, ABSTRACT NO. 640, ATASCOSA COUNTY, TEXAS. ALSO DESCRIBED AS BEING PART OF LOTS 22, 23, AND 24 OF THE CHUPICK-LA PARITA COLONY FARMS SUBDIVISION, DESCRIBED IN AN INSTRUMENT, RECORDED IN SHEET 19-A, NEW PLAT CABINET, MAP AND PLAT RECORDS, ATASCOSA COUNTY, TEXAS. FURTHERMORE, BEING A PORTION OF LAND DESCRIBED IN CLERK'S FILE NO. 234828, OFFICIAL PUBLIC RECORDS, ATASCOSA COUNTY, TEXAS.

2023 TAX CERTIFICATES FROM APPRAISAL DISTRICT

PROPERTY INFORMATION PER TAX CERT
PROPERTY ID: 200859
LEGAL ACRES: 151.92
LEGAL DESC.: CHUPICK-LA PARITA COLONY
FARMS LOT 22 & PT OF 23 151.92

PROPERTY INFORMATION PER TAX CERT
PROPERTY ID: 210995
LEGAL ACRES: 33.22
LEGAL DESC.: CHUPICK-LA PARITA COLONY
FARMS LOT 19.76 ACRES OUT OF 23 &
13.46 ACRES OUT OF 24 33.22

PROPERTY INFORMATION PER TAX CERT
PROPERTY ID: 210055
LEGAL ACRES: 13.27
LEGAL DESC.: CHUPICK-LA PARITA COLONY
FARMS LOT PT OF 23 13.27

PROPERTY INFORMATION
PROPERTY ID: 223749
LEGAL ACRES: 13.05
LEGAL DESC.: WINDMILL RANCHETTES SD LOT
7 13.05

PROPERTY INFORMATION
PROPERTY ID: 223750
LEGAL ACRES: 4.91
LEGAL DESC.: WINDMILL RANCHETTES SD LOT
8 4.91

PROPERTY INFORMATION
PROPERTY ID: 223751
LEGAL ACRES: 9.41
LEGAL DESC.: WINDMILL RANCHETTES SD LOT
9 9.41



Texas Registered Engineering Firm F-9155
Texas Registered Surveying Firm 101812-00
830-281-4060

ENGINEER & SURVEYOR:
RAKOWITZ ENGINEERING, LLC
515 W. OAKLAWN, STE A.
PLEASANTON, TX 78064
(830) 281-4060

OWNER/AGENT:
N&J SANCHEZ LLC
NOE SANCHEZ
1502 W. MOORE AVE.,
TERRELL, TX 75160
(469) 853-8351

NO.	REVISION	DATE	BY
1	REPLAT	08/13/2024	RLT

LOT SUMMARY TABLE				
LOT SIZE	NO. OF LOTS	WATER WELL	COLLECTIVE SEWER	OSSF
< 2.5 AC	0	0	0	0
2.5-10 AC	2	0	0	2
> 10 AC	1	0	0	1
TOTAL	3	0	0	3

PLAT INCLUDES 0 LF OF STREET

SHEET 1 OF 1 23-3057

**AGENDA REQUEST
(GENERAL)**

Agenda Item 21.

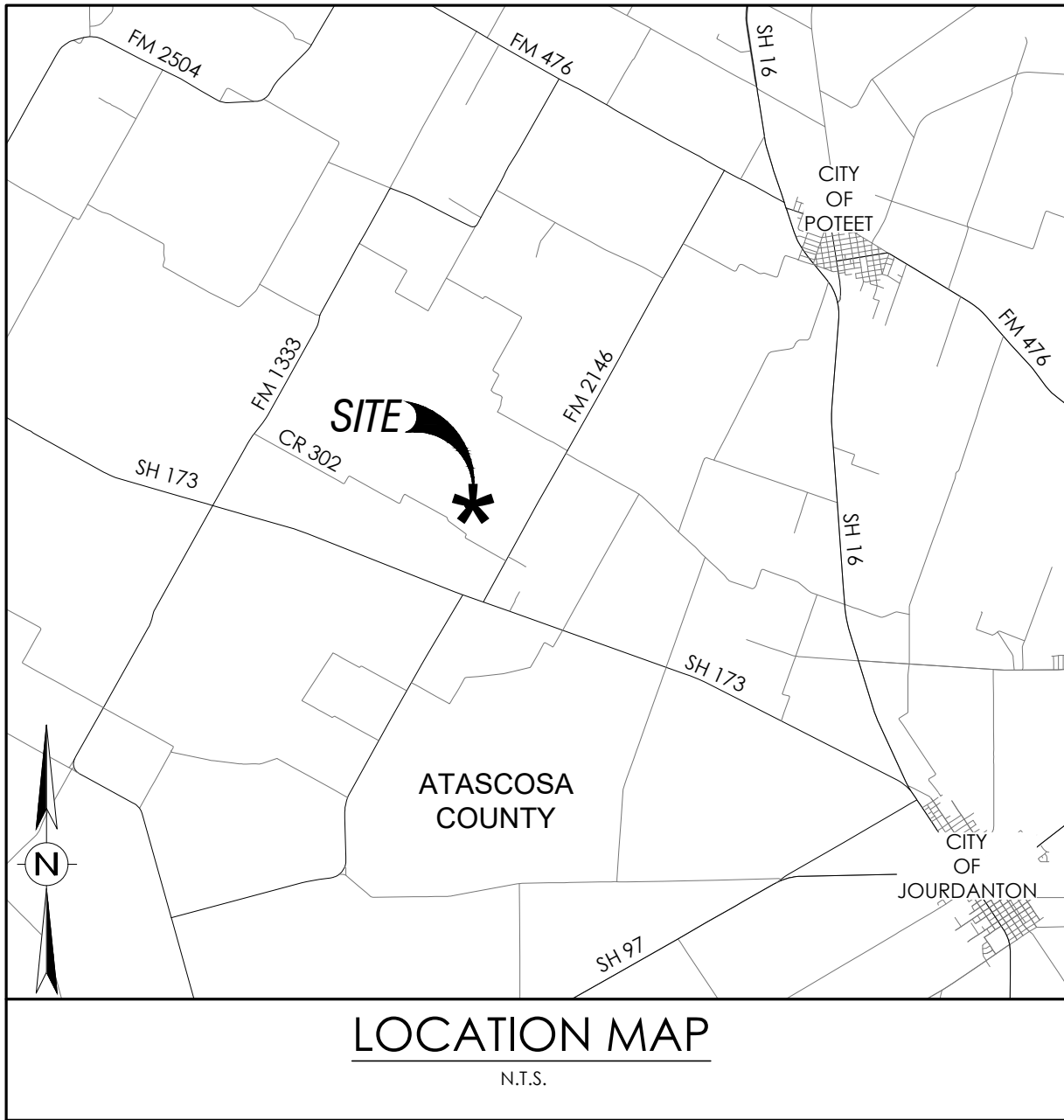
Meeting Date: 08/26/2024
Item Title: Subdivision - Capps Addition
Submitted For: Britni Van Curan, Rural Development Director

Discuss and/or take appropriate action concerning:

Britni Van Curan: Discuss and/or take appropriate action on the approval/denial of the Capps Addition Subdivision on PR Heavens Lane in Precinct 3.

ATTACHMENTS

Subdivision - Capps Addition



ATASCOSA COUNTY SUBDIVISION REGULATION NOTES:

- THE SUBDIVISION IS LOCATED IN THE JOURDANTON ISD.
- CONVEYANCE OF LOTS SHALL NOT BE PERMITTED UNTIL THE FINAL PLAT HAS BEEN APPROVED BY THE ATASCOSA COUNTY COMMISSIONERS COURT, AND THE RECORDED PLAT FILED WITH THE COUNTY CLERK.
- THE MINIMUM DRIVEWAY CULVERT SIZE FOR EACH LOT SHALL NOT BE LESS THAN 18 INCHES.
- NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER SYSTEM OR AN INDIVIDUAL WATER SYSTEM. DUE TO DECLINING WATER SUPPLY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY ATASCOSA COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.
- NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM THAT HAS BEEN APPROVED AND PERMITTED BY THE ATASCOSA COUNTY SANITATION OFFICER.
- NO STRUCTURE OR DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL FINAL APPROVAL OF THE PLAT BY ATASCOSA COUNTY COMMISSIONERS COURT AND RECORDING OF THE APPROVED PLAT BY THE COUNTY CLERK.
- THE LOCATION AND DIMENSIONS OF STREETS AS SET FORTH AND LAID OUT ON THIS PLAT ARE IN ACCORDANCE WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS OF ATASCOSA COUNTY, TEXAS, AS APPLICABLE.
- NO HOMES ARE TO BE BUILT OR BROUGHT ONTO THE LOT(S) UNTIL FLOODPLAIN PERMITS HAVE BEEN OBTAINED AND AN APPLICATION FOR SEPTIC PERMIT HAS BEEN SUBMITTED.
- WATER SERVICE PROVIDED BY BENTON CITY WATER SUPPLY CORPORATION WITH AN EXISTING METER.
- THIS SUBDIVISION WILL BE SERVED BY BENTON CITY WATER SUPPLY CORPORATION, 390 FM 3175, LITTLE ROCK, TX 78052. INFORMATION ON THE MCCOY WATER SUPPLY CORPORATION IS AVAILABLE TO PROSPECTIVE PURCHASERS OF LOTS IN THIS SUBDIVISION IN THE OFFICE OF THE COUNTY CLERK OF ATASCOSA COUNTY, TEXAS AND BE STATED IN ANY DEED RESTRICTIONS.
- ELECTRIC SERVICE PROVIDED BY KARNES ELECTRIC COOPERATIVE, WITH EXISTING SERVICE ESTABLISHED.
- IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS A DRIVEWAY PERMIT HAS BEEN APPROVED BY THE PRECINCT COMMISSIONER OF ATASCOSA COUNTY OR HIS/HER DESIGNATED REPRESENTATIVE, OR TxDOT FOR DRIVEWAYS ENTERING ONTO STATES ROADS, AND THE DRIVEWAY SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE ATASCOSA COUNTY ROAD STANDARDS OR TxDOT STANDARDS, AS APPLICABLE.
- THE LIMITS OF THIS PLAT DO NOT CONTAIN PORTIONS OF FEMA FLOODPLAIN (ZONE A) AS SHOWN ON FIRM MAP NUMBER 48013C0300C EFFECTIVE NOVEMBER 4, 2010.
- NO LOTS IN THIS PLAT ARE LOCATED WITHIN THE FEMA SPECIAL FLOOD HAZARD AREA.
- ALL LOTS HAVE BEEN DESIGNED IN COMPLIANCE WITH THE RULES OF ATASCOSA COUNTY FOR ON-SITE SEWAGE FACILITIES.
- ALL LOTS WITHIN THIS SUBDIVISION ARE LARGER THAN 30,000 SF.
- TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) REGULATED DEVELOPMENT, AS DEFINED IN ARTICLE II OF THE ATASCOSA COUNTY SUBDIVISION REGULATIONS, ARE PROHIBITED WITHIN THIS DEVELOPMENT.
- ANY CHANGE OF LAND USE FROM SINGLE FAMILY RESIDENTIAL WILL REQUIRE THE SUBMITTAL OF AN ENGINEERING ANALYSIS TO ATASCOSA COUNTY FOR REVIEW AND APPROVAL.
- PUBLIC SEWER IS NOT AVAILABLE. ALL LOTS SERVED BY SEPTIC, TO BE DESIGNED BY REGISTERED SANITARIAN OR PROFESSIONAL ENGINEER AND PERMITTED BY ATASCOSA COUNTY.

CULVERT TABLE

LOT #	MINIMUM CULVERT
LOT 1	18"
NOTE: LOW WATER XING MAY NOT IMPIDE FLOW	

LOT SUMMARY TABLE

LOT SIZE	NO. OF LOTS	WATER WELL	COLLECTIVE SEWER	OSSF
< 2.5 AC	1			X
2.5-10 AC	0			
> 10 AC	0			
TOTAL	1			

PROPERTY INFORMATION
PROPERTY ID: 10651
LEGAL ACRES: 23.47 AC
LEGAL DESC: ABS A00009
J NAVARRO SV-46

PLAT INCLUDES (0) LF OF STREET.
PLAT INCLUDES (0) SF OF RIGHT-OF-WAY.

STATE OF TEXAS
COUNTY OF ATASCOSA

I, RAY L. BACA, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAT PREPARED BY ME, DOES TO THE BEST OF MY KNOWLEDGE, ACCURATELY REFLECT THE GENERAL LOCATION (OR ABSENCE) OF ALL STREAMS, RIVERS, PONDS, LAKES OTHER WATER FEATURES OR ANY SENSITIVE FEATURES AND COMPLIES WITH THE SUBDIVISION AND FLOODPLAIN MANAGEMENT ORDINANCES ADOPTED BY ATASCOSA COUNTY, TEXAS.

PRELIMINARY

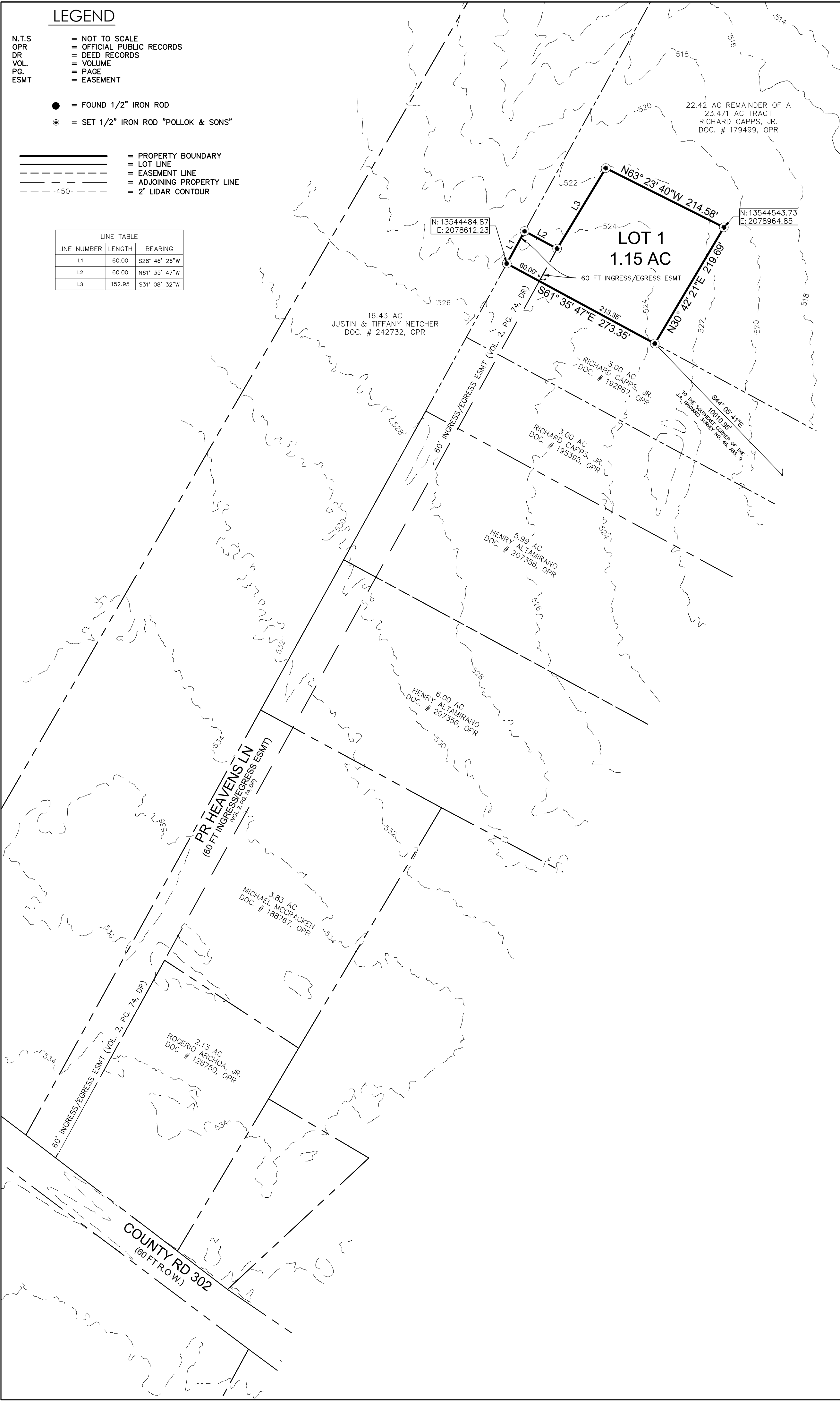
LICENSED PROFESSIONAL ENGINEER
RAY L. BACA, P.E. #131313
P.O. BOX 587, PLEASANTON, TX 78064
(830) 570-2628

STATE OF TEXAS
COUNTY OF WILSON

I, LARRY POLLOK, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND SHOWN HEREON, AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF ATASCOSA COUNTY, TEXAS.

PRELIMINARY

REGISTERED PROFESSIONAL LAND SURVEYOR
LARRY POLLOK, R.P.L.S. #5186
1008 B ST, FLORESVILLE, TX 78114
830-393-4770



SURVEYOR NOTES

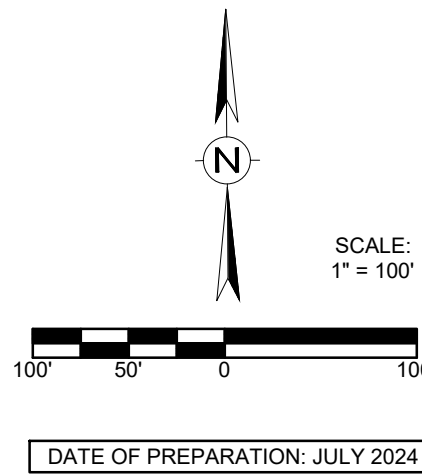
- BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLAN COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83.
- 1/2" IRON RODS WITH PLASTIC CAP STAMPED "POLLOK & SONS" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
- DISTANCES SHOWN HEREON ARE GRID.

UTILITY EASEMENT NOTES

- ELECTRIC SERVICE TO BE PROVIDED BY KARNES ELECTRIC COOPERATIVE.
- WATER SERVICE TO EACH LOT TO BE PROVIDED BY BENTON CITY WSC.
- ALL UTILITY EASEMENTS ARE FOR CONSTRUCTION AND MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING METERS AND REPAIR OR REPLACEMENT OF ALL OVERHEAD AND UNDERGROUND UTILITIES.
- NO BUILDINGS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED ON ANY UTILITY EASEMENTS.
- EACH LOT WILL BE SERVED BY AN INDIVIDUAL ON-SITE SEWAGE FACILITY (OSSF). INSTALLATION OF THE OSSF WILL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER. OBTAIN AN OSSF PERMIT FROM THE COUNTY PRIOR TO INSTALLATION.

SUBDIVISION PLAT
ESTABLISHING
CAPPS ADDITION

BEING A TOTAL OF 1.15 ACRES OF LAND, LYING IN THE J.A. NAVARRO SURVEY NO. 46, ABSTRACT 9, ATASCOSA COUNTY, TEXAS, OUT OF A 23.471 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT NO. 179499, OFFICIAL PUBLIC RECORDS OF ATASCOSA COUNTY, TEXAS, TOGETHER WITH A 60-FT WIDE INGRESS/EGRESS EASEMENT RECORDED IN VOLUME 2, PAGE 74, DEED RECORDS OF ATASCOSA COUNTY, TEXAS.



RL BACA
ENGINEERING

TBPELS FIRM NO. F-23628 | P.O. BOX 587 | PLEASANTON, TEXAS 78064
830.570.2628 | RAY@RLBACA.COM

RL BACA PROJECT NO.: 24-127

STATE OF TEXAS
COUNTY OF ATASCOSA

THE OWNER(S) OF THE LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, A PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION HEREIN EXPRESSED. ADDITIONALLY, THE OWNERS AGREE TO EXTEND PUBLIC UTILITIES TO EACH PLATTED LOT BEFORE SAID LOT IS SOLD.

OWNER/DEVELOPER
RICHARD CAPPS, JR.
512 PR HEAVENS LN
JOURDANTON, TX 78026

OWNER, RICHARD CAPPS, JR.

SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____, A.D. 2024 .

NOTARY PUBLIC

CERTIFICATE OF COUNTY ATTORNEY

ALL REQUIREMENTS OF THE SUBDIVISION ORDER CURRENTLY IN EFFECT HAVE BEEN MET. ACCORDING TO MY BEST KNOWLEDGE AND BELIEF, AND THIS PLAT IS APPROVED FOR FINAL SUBMISSION.

ASSISTANT COUNTY ATTORNEY - TRENT ROWELL

CERTIFICATE OF THE PRECINCT COMMISSIONER

I, THE UNDERSIGNED COMMISSIONER IN THE PRECINCT IN WHICH THE LAND SUBDIVIDED ACCORDING TO THE PLAT TO WHICH THIS CERTIFICATE IS PRESENTED, HEREBY CERTIFY THAT I HAVE REVIEWED THE SAID PLAT AND THAT ALL REQUIREMENTS OF ATASCOSA COUNTY FOR THE PRESENTATION OF THE PLAT FOR FINAL APPROVAL HAVE BEEN FULLY MET TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PRECINCT 4 COMMISSIONER - ELISEO PEREZ

COMMISSIONERS COURT APPROVAL

APPROVED BY THE COMMISSIONERS COURT OF ATASCOSA COUNTY, TEXAS, THIS ____ DAY OF _____, 2024 A.D.

ATASCOSA COUNTY JUDGE - WELDON P. CUDE

PRECINCT 1 COMMISSIONER - MARK GILLESPIE

PRECINCT 2 COMMISSIONER - MARK BOWEN

PRECINCT 3 COMMISSIONER - ELISEO PEREZ

PRECINCT 4 COMMISSIONER - KENNARD "BUBBA" RILEY

AGENDA REQUEST (GENERAL)

Agenda Item 22.

Meeting Date: 08/26/2024
Item Title: Subdivision Regulation Update
Submitted For: Britni Van Curan, Rural Development Director

Discuss and/or take appropriate action concerning:

Britni Van Curan: Discuss and/or take appropriate action

- A. Concerning the approval/denial of adopting the practice of Preliminary Plats and Final Plats effective September 1, 2024
- B. Concerning the approval/denial of updating the Subdivision Fee Schedule to reflect the updated fees for Preliminary Plats and Final Plats effective September 1, 2024.
- C. Concerning the approval/denial of updates to §7.8 in the Atascosa County Subdivision Regulations updating the requirements for Fiscal Surety effective September 1, 2024.
- D. Concerning the approval/denial of the changes in the Atascosa County Subdivision Regulations prohibiting the creation of Private Roads in any new development in Atascosa County effective immediately.
- E. Concerning the approval/denial of updating §4.3 of the Subdivision Regulations to require that all applications for exceptions to the Subdivision Regulations be approved through Commissioners Court effective immediately.
- F. Concerning the approval/denial of updating the Subdivision Regulations to reflect Atascosa County Rural Development as the point of contact for all development in Atascosa County along with other minor verbiage corrections effective immediately.

ATTACHMENTS

Subdivision Regulations
Proposed Fee Changes
Current Regulations

RECORD OF CHANGES

CHANGE NUMBER	DATE OF APPROVAL	PAGE NUMBER	ITEM NUMBER	TOPIC
001	11/08/2021	18	Article III 3.6	Point of submittal moved to 911 Addressing/Subdivision Coordinator
002	02/14/2022	Attachment	Tables 1 & 2	Updating ROW width
003	02/14/2022	14	Article II 2.35	Definition of a subdivision
004	3/14/2022	Various	Various	Updating the Application/Checklist and removing all Preliminary Plat verbiage.
005	3/14/2022	Attachment	Fee Schedule	Updating fee schedule
006	10/10/2022	Attachment	Fee Schedule	Updating fee schedule
007	10/10/2022	Attachment	Road Name Verification	Adopted
008	10/10/2022	Attachment	Non-Standard Plat/Variance Application	Adopted
009	10/10/2022	59	Article XIV, 14.2	Adding Non-Standard Plat/Variance Application
010	2/27/2023	13	Article II, 2.21	Adding Manufactured Home Rental Community definition
011	2/27/2023	35	Article VII, 7.6	Removed the "Privately Maintained Unpaved Streets" section.
012	2/27/2023	52	Article XIII, 13.4	Removed two exemptions.
013	3/13/2023	18	Article III, 3.5	Updated the mylar size.

CHANGE NUMBER	DATE OF APPROVAL	PAGE NUMBER	ITEM NUMBER	TOPIC
014	8/28/2023	52-56	Article XIII	Updating to specify RV parks and the abbreviation "MHRC"
015	8/28/2023	Attachment	Subdivision Application	Removed four items from plat checklist, added two items to the application checklist and one to the plat checklist
016	10/10/2023	Attachment	Subdivision Fees	Updating fees – effective 1/1/2024
017	10/10/2023	22-23	Article IV, 4.5	Removed §4.5
018	10/10/2023	Attachment	Pavement Design Guide	Changed the parameters to include structural credit given to tri-axial geogrid
019	10/10/2023	Attachment	Master Development Plan & Application	Adopted the application and procedures for Master Development Plans

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*As per Commissioners Court, any “fees” in these Regulations are subject to change.

ARTICLE I

1. PREAMBLE: Purpose and Intent of These Rules.
 - 1.1 These Subdivision and Development Regulations have been an order of the Atascosa County Commissioners Court to promote public safety and the general welfare of the County, and to provide a framework for the orderly, safe, efficient, healthful, and mortal development of the unincorporated parts of Atascosa County.
 - 1.2 These Regulations are intended to govern the subdivision and development of land in the unincorporated areas of Atascosa County, and they apply to all unincorporated areas of the County, except where by specific written agreement with a city the County has modified these Regulations within extraterritorial jurisdiction of that city, or delegated its responsibility for subdivision oversight to that city.
 - 1.3 These Regulations are intended to allow for the orderly and healthful development of land within the County while honoring private property rights and allowing landowners the legal and reasonable use of their land.
 - 1.4 These Subdivision Regulations have been adopted based on the following findings:
 - 1.4.1 Atascosa County's location near San Antonio puts it on the edge of one of the nation's largest urban areas, the effects of which have been seen in the growing subdivision of land and population growth in the County over the past several years, particularly in some parts of the County; and
 - 1.4.2 Population growth and land development, without proper regulation and management, have caused economic, infrastructure, public health, and environmental problems in other communities across the nation and in South Texas, and would be likely to cause similar problems in Atascosa County; and
 - 1.4.3 Various academic studies, legislative hearings, and news articles have chronicled the particular need for careful regulation of subdivision and development activity in both South Texas and in suburban and "urban ring" counties such as Atascosa County; and

- 1.4.4 These problems mentioned in 1.4.2 and 1.4.3 (above) would be likely to further strain County infrastructure, devalue existing property, impose an unwarranted tax burden on the citizens of the County, threaten the natural resources, natural beauty and historic character of the County, undermine efficient traffic management, and impede road maintenance, 9-1-1 addressing, emergency response, and adequate water and utility availability, the healthful disposal of waste water, the control of disease, floodplain management, and generally to have an adverse effect on the public health, safety, and general welfare in Atascosa County; and
- 1.4.5 The State of Texas has authorized the Commissioners Courts of Texas Counties, including Atascosa County, to regulate the subdivision of land pursuant to Local Government Code §232.001 et. Seq.; and
- 1.4.6 The State has further recognized the special pressures on growing counties in and adjacent to urban areas by enacting Subchapter E, Chapter 232 of the Texas Local Government Code, authorizing counties to regulate infrastructure planning and to adopt rules with respect to subdivision platting that are designed to promote the health, safety, morals, and/or general welfare of the County, as well as to promote the safe, orderly, and healthful development of the unincorporated areas of the County; and
- 1.4.7 The Commissioners Court of Atascosa County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Atascosa County and these Regulations are a necessary component of such regulation; and
- 1.4.8 The Commissioners Court of Atascosa County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Atascosa County; and
- 1.4.9 The Commissioners Court of Atascosa County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development regulations within the County and to regulate associated development within Atascosa County; and

- 1.4.10 The Commissioners Court of Atascosa County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these regulations to abate or prevent the potential pollution, nuisances or injury to public health; and
- 1.4.11 These Regulations are enacted to implement the powers conveyed counties under the laws of the State of Texas, including but not limited to the Texas Local Government Code, Texas Rev. Stat. Ann. Art. 2352 (general control over all roads, highways, and bridges), Texas Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Texas Rev. State. Ann. Art. 6625A (regulations of road and streets and other facilities to control drainage and storm water runoff within the real estate subdivision developments), Texas Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Texas Rev. Stat. Ann. Art. 1443. 1443a and 1436b (regulation of oil and gas utility lines within the county right-of-way), Texas Rev. Stat. Ann. Art 4477-7e (authority to adopt standards for on-site sewerage facilities), Texas Rev. Stat. Ann. Art. 4477-9a regulation of public highways for litter control), Texas Local Government Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extra-territorial jurisdiction of municipalities), Texas Health and Safety Code Ann. Section 336.032 and 368.011 (authority to adopt rules relating to on-site sewerage facilities), Texas Health and Safety Code Section 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Texas Water Code Ann. Section 16.311, et. seq. (authority to set standards for construction within flood plain and to guide development of future development to minimize damage caused by floods), Texas Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Texas Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Texas Water Code Section 26.171 and 26.174 (regulation of water quality by counties), and Texas Water Code Section 35.019 (certification of water availability); and

- 1.4.12 The Commissioners Court of Atascosa County has considered the potential burden on present and future landowners and taxpayers of substandard development and/or poor quality road construction; and
- 1.4.13 The Commissioners Court of Atascosa County recognizes the importance of an interconnected road system throughout Atascosa County to provide efficient access by emergency vehicles and school transportation vehicles, and the responsible role of the Commissioners Court to ensure an appropriate level of infrastructure and road planning through the subdivision process; and
- 1.4.14 The Commissioners Court has considered the potential burden to private property rights, to property owners, and to taxpayers, of these Rules and Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads and infrastructure planning, flood, and immoral and unhealthful development that might reasonably be expected to occur in the absence of these Regulations; and finally,
- 1.4.15 The Commissioners Court has determined that these Regulations should apply broadly but the Court, in Article IV of these Regulations, has provided for exceptions consistent with state law.
- 1.5 The Commissioners Court of Atascosa County, having received a report from the committee of citizens appointed to review the need for rules, having consulted with professionals in the field of engineering and land planning, and following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to protect the public health, morals and resources of Atascosa County, to safeguard the private property rights of Atascosa County, and to accomplish the purposes and goals enumerated in the findings above.

ARTICLE II

2. DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- 2.1 Applicant. An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.
- 2.2 Application. A county-provided form completed by an applicant and accompanied by multiple copies of plans or plats and support documents as required by these regulations.
- 2.3 Commissioners Court. The Commissioners Court of Atascosa County.
- 2.4 County. The county government of Atascosa County, Texas.
- 2.5 County Clerk. The County Clerk of Atascosa County.
- 2.6 County Commissioner. Any one of present Commissioners of Atascosa County wherever this term is used wherein, in may include his or her designated representative.
- 2.7 Court. Unless another specific court is specified, references to the “Court” in these rules refer to the Atascosa County Commissioners Court.
- 2.8 Department. The Atascosa County Environmental Health Department.
- 2.9 Development. All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces, and golf courses and other recreational facilities.
- 2.10 Designated Agent. A person designated by the Atascosa County Commissioners Court to implement, or review compliance, with certain parts of these Rules. This person may be but is not necessarily the Precinct Commissioner.
- 2.11 Determination or Letter of Determination. The finding that an action meets or does not meet the definition of Subdivision, or the documentation of that finding.
- 2.12 ETJ. The extraterritorial jurisdiction of a municipality as determined in accordance with Chapter 42 of the Local Government Code.

2.13 Final Plat. A scaled drawing of a proposed Subdivision of land with survey data, notes, dedications, certifications and acceptances as required by these Regulations, prepared to be placed on record in the official records of Atascosa County.

2.14 Flag Lot. A lot having the minimum required frontage on a public right-of-way with the largest portion of the lot area connected to the public right-of-way by a narrow strip of land, or “flag pole,” which is included in the lot.

2.15 Full Build-out. The final expected number of residences, businesses, or other dwellings in the proposed subdivision.

2.16 Letter of Determination. See Determination

2.17 Interlocal Agreement. An Agreement between two or more Governmental Entities.

2.18 Licensed Professional Engineer. An Engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.

2.19 Lot. Any tract to be created by division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract and excluding proposed public right-of-way.

2.20 Manufactured Home. A dwelling that meets the definition of Manufactured Home under Texas law.

2.21 Master Development Plan. A Master Development Plan is a conceptual plan that serves as a blueprint for the future.

2.22 Manufactured Home Rental Community (MHRC). A plot or tract of land that is separated into two or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

2.23 Order. The order of the Commissioners Court authorizing and implementing these Rules.

2.24 Original Tract. The original tract of land owned by an Owner prior to the proposed subdivision.

2.25 Owner. The Owner of land being subdivided.

2.26 Performance Guarantee. A guarantee of performance including but not limited to cash deposit, surety bond or letter of credit, in an amount and form acceptable to the County.

2.27 Permitted Street. As defined in Section 7.1.

2.28 Preliminary Plat. A scaled drawing of a proposed Subdivision of land with survey data, notes, dedications, certifications and acceptances as required by these Regulations, prepared to be placed on record in the official records of Atascosa County.

2.29 Precinct Commissioner. The member of the Commissioners Court who is elected or appointed to represent the Atascosa County precinct in which the land proposed for development and subject to this Order is located.

2.30 Public Water System. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which, includes all uses described under the State's definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," as an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. [30 TAC 290.38(47)]

2.31 Qualified Expert. A hydrologist, registered professional geologist or registered professional engineer.

2.32 Recreational Vehicle (RV). For the purposes of these Regulations, an RV is a vehicle which is a) built on single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Furthermore, an RV placed on a site in a Special Flood Hazard Area must meet the elevation and anchoring requirements for

manufactured homes unless it is on the site for fewer than 180 consecutive days or is fully licensed and ready for highway use.

2.33 Regulations. When capitalized, the Atascosa County Subdivision and Development Regulations and related Orders.

2.34 Requirements Applicable to Public Water Systems. The requirements in TCEQ rules covering public water systems in Title 30, Texas Administrative Code, Chapter 290, (relating to Rules and Regulations for Public Water Systems)

2.35 Rules. When capitalized, the Atascosa County Subdivision and Development Regulations and related Orders.

2.36 Rural Development. A department within Atascosa County that handles development, floodplain management, septic inspections/complaints, permitting, 911 addressing, etc.

2.37 Sketch Plan. A map showing a potential subdivision of land not required to be drawn in precision, to serve as the basis for comments by the County to a landowner or potential applicant regarding general compliance with these regulations.

2.38 Subdivision. The division of a tract of land situated wholly or partly within Atascosa County and outside the corporate limits of any municipality into two or more parts to lay out:

- (1) A subdivision of the tract, including an addition;
- (2) Lots; or
- (3) Streets, alleys, squares, parks, or other parts as defined by Sec 232.001(a)(3), Texas Local Government Code

A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed or other executor contract to convey, or in a lease (other than agricultural, hunting, oil and gas lease), or by using any other method of a conveyance of an interest in land.

A division of land shall be considered as relating to the laying out of streets, whether public or private, if:

2.37.1 The division occurs prior to the later to occur: Two (2) years from the date of the completion of construction of any street onto which the Lot has frontage or, in the case of public streets, the expiration of the performance or maintenance bond for any such streets;

2.37.2 The division of land creates one or more Lots without practical, physical vehicular access onto a permitted street or with less than sixty (60) feet of direct frontage onto a permitted street or calls for driveways onto permitted streets that are spaced fewer than sixty (60) feet apart;

2.37.3 The division of land will affect drainage on, in or adjacent to a public street or any country drainage ditch, culvert or other drainage facility;

2.37.4 Other circumstances exist which, in the determination of Commissioners Court, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any lot has access.

2.39 Surface Water. As defined by the TCEQ at Title 30, Texas Administrative Code.

2.40 Surveyor. A Registered Professional Land Surveyor certified by the Texas Board of Professional Land Surveying.

2.41 TAC. Texas Administrative Code.

2.42 TCEQ. Texas Commission on Environmental Quality

ARTICLE III

3. GENERAL SUBDIVISION REQUIREMENTS

3.1 General Requirements.

Any owner who subdivides a tract of land shall:

3.1.1 Comply in all respects with these regulations, and

3.1.2 Prepare and submit to the Commissioners Court and application for approval or registration of the proposed subdivision in accordance with the terms and procedures set forth in these regulations.

3.1.3 Some subdivision actions are excepted from platting by these Regulations. See Article IV.

3.2 Subdivision Approval Process.

No subdivision shall be approved until the Owner has satisfied each of the following steps in order indicated:

3.2.1 Approval of Final Plat by the Commissioners Court; and

3.2.2 Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

3.3 Communication with Atascosa County.

A potential Applicant is encouraged to meet with Atascosa County Rural Development to discuss any development ideas, understand County road plans in the area, and discuss County rules and submittal procedures before the Applicant goes through the time and expense of more detailed engineering design and submittal preparation. Only a Designated Agent of the Commissioners Court may approve inspections or submittals under these Regulations. Only the full Commissioners Court may give final and official approval of plat applications by recorded vote. See Article V.

3.4 Application Materials.

Each application for Final Plat shall include the following:

3.4.1 Two (2) full-size (24x36") copies of the Final Plat and one (1) digital copy of the Final Plat; the County may require up to eight (8) half-size (11x17"); and

3.4.2 Application fee or receipt; and

3.4.3 Property tax certificates showing that all taxes currently due with respect to the original tract(s) have been paid; and

3.4.4 A completed application form in the current form promulgated by the County; and

3.4.5 All other documents or reports required pursuant to these regulations and any associated bonds or letters of credit.

3.5 Record Plat.

Two (2) duplicate original prints on 24"x36" 4-mil mylar shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings of the Record Plat must be large enough to be easily legible following recording.

3.6 Point of Submittal.

Persons wishing to subdivide land or perform other regulated development activities in Atascosa County shall submit a completed subdivision application to **Atascosa County Rural Development**.

3.7 Application Review Periods.

3.7.1 Sketch Plan. The applicant should meet with **Atascosa County Rural Development** to review the key elements of a Sketch Plan and receive feedback. **Atascosa County Rural Development** may involve other County officials, staff or consultants in the review of the Sketch Plan. See Article V.

3.7.2 Within ten (10) business days of its receipt of an application for subdivision approval, the County shall determine whether the application is complete in accordance with Section 3.4. If an application is determined to be incomplete, the County shall give written notice of that determination to the potential applicant, and the notice shall state the deficiencies in the submittal.

3.7.3 Acceptance by the County of a completed plat application shall not be construed as approval of the application or related documents.

3.7.4 Except as provided by Section Sec. 3.7.7 the Commissioners Court shall take final action on a plat application, including the resolution of all appeals, not later than the **30th** day after the date a completed plat application is received by the County.

3.7.5 If the Commissioners Court disapproves a plat application, the Applicant shall be given a complete list of the reasons for the disapproval.

3.7.6 The **30-day period** under Section 3.7.4: (1) may be extended for a period not to exceed 30 days if agreed to in writing by the applicant and approved by the Commissioners Court or **the County Authority**; (2) applies only to a decision wholly within the control of the Commissioners Court.

3.7.7 The Commissioners Court shall make the determination under Section 3.7.6 on whether the 30-day period will be extended not later than the 30th day after the date a completed plat application is received by the County.

3.8 Technical Review Procedure.

Upon receipt of a completed application, the County or its designated agent shall conduct a technical review of the application and make a recommendation to the Commissioners Court as to whether the application is in compliance with these Regulations.

3.9 Application Fees.

The Applicant shall pay a nonrefundable fee in the amount set forth in the Fee Schedule together with each Application for a Preliminary/Final plat. Commissioners Court may amend the Fee Schedule from time to time without amending or affecting the remainder of these Regulations.

3.10 Subdivisions within ETJ of a Municipality.

Whenever an Original Tract lies within the extraterritorial jurisdiction (ETJ) of a municipality and is subject to the subdivision regulations of such municipality, the subdivision shall comply with the standards and approval procedures established by the interlocal agreement between Atascosa County and the City regarding subdivisions in the ETJ. As required by the Texas Property Code, the County Clerk will not accept a record Plat for recordation unless it has been approved in accordance with such interlocal agreement. Where the guidance of an interlocal agreement is not clear or where one is not affect then the stricter of the two standards shall govern.

3.11 Wastewater and Development Permits.

The Department shall issue no On-Site Sewage Facility Permit or development permit on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Atascosa County Rules for On-Site Sewage, except that:

3.11.1 A division of land occurring before adoption of the original Subdivision Regulations shall be considered grandfathered and

3.11.2 A complete application for subdivision approval received by the Department prior to the effective date of these Regulations shall be considered solely on the basis of the Regulations in effect at the time the Department receives the complete application.

3.12 County Acceptance of Parks.

Parkland may be dedicated by the play to the County at the sole discretion of the Commissioners Court. In exercising its discretion, the Court may consider factors such as: an Atascosa County parks and open space plan; projected population in the region; whether the land is contiguous to the other dedicated park or open space; the topographic and vegetative features of the land; whether the land contains critical environmental features; the nature and extent of any improvements proposed by the subdivider; and costs and provisions for maintenance of park land and improvements. Acceptance of parkland for maintenance and/or ownership may be specifically stated in a motion and the minutes.

ARTICLE IV

4. EXCEPTIONS

4.1 Excepted Subdivisions.

In order to provide for the orderly and healthful development of land, and to protect both current and future citizens and taxpayers of Atascosa County, the County generally shall interpret the term “subdivision” in its broadest legal sense. However, the County also recognizes that there are certain limited classes of subdivision development that may not demand extensive County regulation, or that are specifically exempted by state law. The Commissioners Court wishes to make the regulatory process in Atascosa County as efficient and streamlined as possible, and only to regulate land development where there is a clear public benefit, and in concert with state rules. Accordingly, the Court recognizes the following exemptions, circumstances where Owners and developers are NOT required to seek or obtain subdivision plat approval from Atascosa County under these Rules. The County requires only that the Owner or Owner’s Agent registers the division and – for the protection of the Owner and the County – obtains a Certificate of Exemption. The normal platting rules will not apply. How to do this is described in Articles 4.3 and 4.4, below.

4.2 Standard Qualifications for Exemption.

To qualify for an Exemption from these Rules, and Owner or his/her Agent should be able to demonstrate that no streets, alleys, squares, parks, or other areas on the land are intended to be dedicated to public use or for the common use of the purchasers or owners of Lots; AND one or more of the following conditions exists:

4.2.1 The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as to defined, the platting requirements of this Order shall apply;

4.2.2 The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related

to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply;

4.2.3 All the lots are more than ten (10) acres in area and the owner does not lay out part of the tract [see Chapter 232.001(a)(3), Local Government Code];

4.2.4 All the lots are sold to veterans through the Veterans' Land Board program;

4.2.5 The land belongs to the state or any state agency board, or commission or the permanent school fund or any other dedicated funds of the state;

4.2.6 The land belongs to a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to adjoining landowners;

4.2.7 One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of Chapter 232 of the Texas Local Government Code and these Rules;

4.2.8 All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract; or,

4.2.9 Any exemptions or exceptions that are in the future added to the list of exceptions enumerated in Chapter 232, Texas Local Government Code.

4.3 Registration.

An Owner who wishes to claim an exception from the platting requirements of these regulations for a division of land shall petition Commissioners Court for a Certificate of Exception that will need to be presented to the County Clerk to register the division.

They must also submit the following to the County Clerk:

4.3.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto; and

4.3.2 A survey of sketch showing the boundaries of the Lots, adjacent roads and adjacent property owners. This may be on tax parcel maps or any other map that allows County staff to clearly determine the necessary information; and

4.3.3 An executed registration form in the form promulgated by the County which shall require the Owner to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the County.

~~4.4 — Certificate of Exception.~~

~~On request of the Owner, the Commissioners Court shall issue a certificate for presentation to the County Clerk certifying that the division of land is excepted from any platting requirements.~~

ARTICLE V

5. SKETCH PLAN/MASTER DEVELOPMENT PLAN

5.1 Purpose.

The purpose of a Sketch Plan is to give Applicants a relatively quick and inexpensive way to receive feedback from County officials. An Applicant – or someone who is simply considering a formal application – is encouraged to submit a Sketch Plan for comment by Atascosa County Rural Development. Atascosa County Rural Development will provide the Applicant with a general sense of whether the Sketch Plan is in general conformance with the underlying principles of these Rules and with local and state regulations. Sketch Plans are not required.

The purpose of a Master Development Plan is to allow a Subdivider the opportunity to obtain County approval for a multi-phased development.

5.2 Required Content.

There are no requirements established by these Rules for the content of a Sketch Plan and no submittal fees. The Sketch Plan should show the entire area of every tract that is wholly or partly included in the proposed subdivision in order to demonstrate that the Plan furthers the efficient and orderly development of the land. The Applicant is encouraged to also designate the classification of roads, the nature of water and wastewater service, approximate location of known floodplain areas, and the range of lot sizes intended.

See Master Development Plan Application for adopted requirements.

5.3 It is important to note that Atascosa County Rural Development or an individual Precinct Commissioner can only give his or her interpretation of County policy and State Law. Precinct Commissioners, as individuals, do not have the authority to approve or disapprove an application, in whole or in part; only the Commissioners Court, meeting as a body, may grant approvals under these Regulations, or variances or amendments to these Regulations.

5.4 Applicants who wish to may go straight to the Application stage. Applicants are encouraged to take advantage of the Sketch Plan process to identify regulatory issues before committing to the greater expense of developing a Preliminary Plan and Application. Applicants should be aware that the County rules and regulations might be subject to change between the time they submit a Sketch Plan and they submit a formal Application for Preliminary or Final Plat approval.

ARTICLE VI

6. PRELIMINARY PLAT/FINAL PLAT.

A Preliminary Plat is strongly suggested, but not required, for all subdivisions where there will be infrastructure construction prior to completion of the subdivision. This includes utility improvements/installments, road construction, etc.

A proposed Preliminary Plat/Final Plat shall include the following:

6.1 General Information.

Bearings and dimensions of the boundary of the Subdivision and all lots, parks, greenbelts, easements, and conservation areas. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated; and

6.1.1 Description of monumentation used to mark all boundary, lot and block corners, and all points of curvature and tangency on street right-of-way; and

6.1.2 Location of original survey line. The subdivision shall be located with respect to an original survey of which it is part; and

6.1.3 Lot and block numbers of each lot; and

6.1.4 Acreage of all lots, calculated to the nearest one-hundredth of an acre; and

6.2 Required Content.

A Final Plat shall include the following:

6.2.1 General Information.

6.2.1.1 Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision, and

6.2.1.2 The boundary lines and total acreage of the original tract and the Subdivision; and

6.2.1.3 A note or table stating the total number of Lots within the proposed subdivision, and the number of Lots within each of the following size categories: larger than 10 acres; from 2.5 acres to 10 acres; and less than 2.5 acres. The note or table should also illustrate how many Lots, if any, are dependent on individual wells, and how many

dependent on OSSFs versus collective sewer. Allocation by construction phases, if applicable should also be included.

6.2.1.4 Approximate acreage and dimensions of each Lot; and

6.2.1.5 The location of any, schools or other public use facilities and any proposed parks, squares, common areas, greenbelts, preserves, landscape easements, conservation areas or conservation easements, with identification of the entity proposed to own and maintain each; and

6.2.1.6 Names of adjoining subdivisions and Owners of tracts contiguous to the proposed subdivision; and

6.2.1.7 Name and address of the Surveyor and Engineer; and

6.2.1.8 Name and address of the Owner, and Developer or Applicant if not the Owner; and

6.2.1.9 Area Map showing general location of Subdivision in relation to major roads, towns, cities, rivers or topographic features; and

6.2.1.10 North arrow, scale and date. The scale shall not exceed 200' per inch (1" = 200'); and

6.2.1.11 Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city; and

6.2.1.12 The location of school district boundaries and a statement clearly indicating which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall clearly state the number of acres within the Lot that lies within each school district.

6.2.2 Flood Plain and Drainage information.

6.2.2.1 Elevation contours at not greater than ten foot (10') intervals, based on NAVD 88" datum and the source of the contour data; and

6.2.2.2 All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency; and

6.2.2.3 For each lot containing 100-year flood plain, sufficient additional contours to identify and delineate the 100-year flood plain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a method satisfactory to the Floodplain Administrator; and

6.2.2.4 For each subdivision containing 100-year flood plain, at least one benchmark showing NAVD 88' elevation, as well as latitude and longitude; and

6.2.2.5 A drainage plan depicting the anticipated flow of all drainage onto and from the subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year flood plain boundaries, ravines, bridges and culverts; and

6.2.2.6 The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements and the impact of lot and street layouts on drainage; and

6.2.2.7 Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission on Environmental Quality in 30 Texas Administrative Code §213.3) and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all sensitive features in accordance with the terms of these regulations.

6.2.3 Street and Right-of-Way Information.

6.2.3.1 Location, length and right-of-way widths of all proposed streets, allocated by construction phases, if applicable, and a depiction of how all proposed streets shall connect with previously dedicated streets or platted or planned streets within the vicinity of the Subdivision in accords with Section 7.3.2 of these Rules regarding street connectivity; and

6.2.3.2 Location, size and proposed use of all proposed access easements; and

~~6.2.3.3 A statement indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads; and~~

6.2.3.3 The number of feet of frontage of each Lot onto a Permitted Street, which shall be not less than sixty (60) feet; and

6.2.3.4 A designation of the classification of each road or street to be constructed or, for any existing street abutting the subdivision, the classification, pavement width, and right-of-way width of the street wherever it is adjacent to the subdivision; and

6.2.3.5 Proposed location of all depth gauges, as required under Article 12, at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface, and any proposed gates or warning devices. Note: Commissioners Court may require gates or warning devices at such locations.

6.2.4 Water, Wastewater and Other Utilities Information.

6.2.4.1 Designation of the entities supplying electric, phone and gas utilities to Lots; and

6.2.4.2 In schematic presentation, the location of all proposed public water lines, public sewer lines; utilities easements including water well sanitary easements, if applicable; water storage reservoirs; water or sewage treatment facilities, holding tanks, and pumping facilities; fire protection facilities; and any other infrastructure proposed to serve multiple lots; and

6.2.4.3 Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water from a specified stream or river, ground water from a specified aquifer, etc.); and

6.2.4.4 The author, date and title of the Water Availability Report submitted in support of the Application.

6.2.4.5 Certification that all Lots have been designed in compliance with the Rules of Atascosa County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Atascosa County On-Site Sewage Rules and any request for a variance under the Rules of Atascosa County for On-Site Sewage Facilities.

6.2.5 Phasing.

6.2.5.1 For a subdivision which the Applicant proposed to construct in phases:

6.2.5.1.1 The boundaries of the respective phase areas;

6.2.5.1.2 The projected date of completion of construction of each phase.

6.3 On-Site Sewage Facilities (OSSF).

A Final plat shall satisfy the requirements of the rules of Atascosa County for OSSF.

6.4 Flood Plain and Drainage Information.

6.4.1 For subdivisions containing 100-year flood plain, benchmarks and finished floor elevations of each lot in accordance with Federal Emergency Management Agency; and

6.4.2 For each subdivision or unit thereof, at least one monument containing latitude and longitude and 1988 NGVD datum coordinates shall be established and identified.

6.5 Street and Right-of-Way Information.

6.5.1 Total length of all streets, to the nearest one-tenth mile, and a declaration as to which category of streets will be constructed, ~~or private streets maintained by an approved homeowners association;~~ and

6.5.2 Total area of all rights-of-way to be dedicated to the public; and

6.5.3 The items required under Article X regarding County Maintained Streets and Property Association Maintained Streets, as applicable; and

6.5.4 The following statement shall appear prominently on the Final Plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit has been approved by the Precinct Commissioner of Atascosa County or his or her designated representative, or Texas Department of Transportation for driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Atascosa County Road Standards or TXDOT Standards, as applicable; and

6.5.5 The minimum driveway culvert size for each Lot shall no be less than 18".

6.6 Water, Wastewater and Utilities Information.

6.6.1 For each Lot not served by a Public Sewer System, the location of a viable percolation area or surface irrigation area for on-site sewage facilities; and

6.6.2 For each lot not served by a Public Water System propped well site(s), if any, and required sanitary easements for well head protection; and

6.6.3 The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public water system or an individual water system. Due to declining water supply, prospective property owners are cautioned by Atascosa County to question the seller concerning ground water availability. Rainwater collection is encouraged and in some areas may offer the best renewable water resource."; and

6.6.4 The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Atascosa County Sanitation Officer."

6.7 Other Plat Notes and Certifications.

6.7.1 The following statement shall appear prominently on the plat: “No structure or development within the subdivision may begin until Final approval of the plat by Atascosa County Commissioners Court and recording of the approved plat by the County Clerk.”

6.8 Standard for Approval.

Commissioners Court shall approve a Final Plat if it satisfies each of the Requirements set forth in Article VI through X unless the approval would be contrary to the safe, orderly, moral, or healthful development in the County.

6.9 Requirements for County Maintained Streets.

Concurrently with the filing of an application for Final Plan approval, an applicant seeking to construct streets or drainage improvements that will be accepted by the County for maintenance, shall submit the following:

6.9.1 Construction Plans for all street and drainage improvements within the subdivision and signage plans for all streets; and

6.9.2 A certification under the seal of a Professional Engineer that the construction plans and pavement designs are in compliance with these Regulations; and

6.9.3 The anticipated cost, per linear foot, of each street; and

6.9.4 The total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the subdivision.

6.10 Additional Requirements for Streets to be Maintained by a Property Owners Association.

In addition to the requirements of Section 7.3, concurrently with the filing of an application for Final Plat approval for a subdivision in which streets are to be maintained by a Property Owner Association, the Applicant shall submit a copy of covenants creating the homeowner association and providing for assessment and collection of fees from all homeowners to provide for maintenance of streets, drainage, and common areas in the subdivision application package.

6.11 Final Plat. The Applicant shall present a Final Plat meeting the requirements of these Regulations to Commissioners Court for final approval and delivery to the County Judge for execution. The Final Plat shall contain, or be submitted with, the following:

- 6.11.1 All revisions necessary to comply with any conditions of approval of the Final Plan stipulated by Rural Development; and
- 6.11.2 Any Water Pollution Abatement Plan approved by the Texas Commission On Environmental Quality, if the property lies within the Edwards Aquifer Recharge Zone, or evidence that none is required as of the date of the Final Plat (Commissioners Court may require a letter from the TCEQ evidencing that no water pollution abatement plan has been issued or is yet required for the division); and
- 6.11.3 All items required in Section 3.4 above, including filing fees and tax certifications; and
- 6.11.4 By submitting a Final Plat, the Owner acknowledges that he or she is aware of and will comply with all Orders of Atascosa County regarding construction and development in effect at the time the Subdivision application was deemed complete, including:

6.11.4.1 Order regulating the access of private construction vehicle from construction sites onto publicly maintained roadways, requiring the Owner to take certain steps to limit and clean all mud or other debris carried onto the public roadways by such construction vehicles, and imposing fines for non-compliance; and

6.11.4.2 Order requiring all construction within County right-of-way including driveways, drainage improvements, and the cutting of any existing roads for installation of utilities to be inspected prior to completion, prohibiting cutting of certain roadways within three (3) years of construction thereof, and imposing fines for non-compliance; and

6.11.4.3 Order concerning construction standards for mailboxes installed within the right-of-way of streets and highways, and requiring all such mailboxes to be made of collapsible materials, as defined by Atascosa County or TXDOT.

ARTICLE VII

7. STREET DESIGN AND CONSTRUCTION.

7.1 Permitted Streets.

All streets, ~~whether public streets maintained by the County or private streets maintained by a property owners association,~~ shall be constructed in accordance with these Regulations including the most current Atascosa County street standards (See Tables 1 & 2). Streets are ~~divided into two categories: public streets or private driveways/easement, with two subcategories each,~~ as follows:

7.1.1 Public Streets, dedicated to and accepted by the County.

7.1.1.1 Paved and Maintained by the County.

All streets dedicated to the County must be paved, unless the subdivision meets the minimum lot size provision discussed below (Section 7.1.1.2).

7.1.2 ~~Private streets, owned and maintained by a property owners association.~~

~~7.1.2.1 Private streets, paved. All private streets shall be paved and built to Atascosa County requirements.~~

~~Note that driveways and easements, though they may in certain cases serve more than one home, are not classified as "streets." Also note that easements and driveways need County approval to serve multiple Lots or tracts; the County, using these rules as a basis, shall determine what constitutes a street.~~

Private streets are not permitted in any new development in Atascosa County. All streets in new developments in Atascosa County must be public streets.

7.1.3 Private road means a route, not dedicated to public use, that provides access to two or more structures used by persons, including, but not limited to, for residential, commercial, business, industrial, or religious purposes. Private Roads are regulated by Commissioners Court Order pertaining to the construction of Private Roads established October 2020.

7.2 Dedication to Public.

Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right-of-way easement in the property to the county for public use. No dedication shall be effective until the Final Plat is recorded. However, County acceptance for maintenance of street and drainage improvements within the dedicated right-of-way requires separate action, evidenced by written acceptance signed by a Designated Agent of the Commissioners Court.

7.3 Design of Public Streets.

All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets, and to permit continuity of improvements to adjacent properties.

7.3.1 Design Criteria and Construction Standards for Streets. The classification and construction standards for all streets shall be determined according to the Average Daily Traffic anticipated of the streets. All calculations of ADT shall be based on the maximum number of Lots that may be permitted in the subdivision in accordance with Article IX, unless the number of Lots is limited by approved plat note, in which case ADT shall be calculated based on the maximum number of Lots permitted under such plat note.

7.3.2 Street Continuity. Consistent with the objective of Sec. 1.4.13 to provide an interconnected network of streets throughout the county, subdivision planning and design shall provide for reasonable connection of streets to adjoining subdivisions or undeveloped tracts.

7.3.2.1 When the Atascosa County Road Plan shows a street within a tract proposed for a subdivision, the street shall be aligned in general conformance with the Road Plan, shall have a right-of-way and pavement width consistent with the Road Plan classification of the street, and shall be continuous within the subdivision.

7.3.2.2 Where there is a discrepancy between the Road Plan alignment of a street and an existing or platted streets within an adjoining tract or subdivision, the Commissioners Court shall determine which street the subdivider's street shall connect to.

7.3.2.3 Required connection to existing streets. A street stub is required to provide an interconnection between adjoining developments. A street stub in an improved street extended to a dead-end at the boundary of an adjoining unplatted tract or undeveloped tract. If the length of a street stub is no greater than the depth of the two adjoining Lots and those Lots

have access to an intersecting street, a street stub is not required to include a cul-de-sac or other provision for vehicle turnaround. A street stub shall be clearly marked with a “No Outlet” sign placed by the developer in accordance with the Atascosa County Road Standards.

7.3.2.3.1 Where existing street stubs adjoin the boundary of a proposed subdivision, the subdivision streets shall connect to these street stubs.

7.3.2.4 Spacing of street extensions to unplatted tracts.

7.3.2.4.1 Where a proposed subdivision adjoins an unplatted tract, the subdivision shall provide a reserve strip for future street stubs to the boundary at no less than every one-half mile. The intention of the reserve strip is to set aside land to be dedicated for a street stub to connect to a nearby street in an adjoining tract. This reserve strip may be abandoned and replatted if the owner can demonstrate that a stub street will not be needed. Distance between street stubs shall be measured between their right-of-way boundaries.

7.3.2.4.2 The Commissioners Court may grant a variance from the street stub spacing requirement of this article where it finds the extension of a street stub is not practical due to topographic features; drainage features; bridge or culvert requirements; difference in land use, lot widths or lot sizes between adjoining subdivisions; or other justification presented by the Applicant and cited by the Court.

7.4 Street Boundaries.

The fronting boundary lines of all Lots shall be contiguous with the boundary of the adjoining public street right-of-way.

~~7.5 Privately Maintained Paved Streets.~~

~~All private streets shall be designed and constructed in accordance with the standards specified in Tables 1 and 2.~~

~~7.5.1 Concurrently with the filing of an application for Final Plan approval, an applicant seeking to construct streets or drainage improvements that will NOT be accepted by the County for maintenance shall submit the following:~~

~~7.5.1.1 Construction Plans for all street and drainage improvements within the subdivision and signage plans for all streets; and~~

~~7.5.1.2 A certification under the seal of a Professional Engineer that the construction plans and pavement designs are in compliance with these Regulations; and~~

~~7.5.1.3 The anticipated cost, per linear foot, of each street; and~~

~~7.5.1.4 The total estimated length of the streets.~~

~~7.5.2 Private streets shall be permitted only within a Subdivision satisfying each of the following criteria:~~

~~7.5.2.1 The following note shall be conspicuously displayed on the Plat:~~

~~“Owner, by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Atascosa County shall have no obligation to repair or accept maintenance of the roads shown on this subdivision unit, unless Owner or the Property Owners Association has improved the roadways to the current standards required by Atascosa County, and the roads have been accepted by maintenance by formal, written action of the County Commissioners Court, and the roadway with all required right of way, has been dedicated by the Owners thereof, and accepted by the County. Owners of the property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision.”~~

~~7.5.2.2 Restrictive covenants establishing a Property Owners Association, shall be placed on record concurrently with the recording of the Final Plat.~~

7.6 Permit Required for Construction in Right-of-Way.

No driveway or utility construction, or any other encroachment into public right-of-way or easements shall be allowed without first obtaining approval from the Precinct Commissioner or his or her designated agent.

7.7 Cul-de-sacs.

Cul-de-sacs shall provide a paved turnaround having a slope not greater than six percent (6%) and a minimum radius according to Table 1 or 2.

7.8 Fiscal Surety.

The Final Plat shall be accompanied by the following:

7.8.1 In the event that a Subdivider is granted approval to file a Final Plat prior to the completion of all streets within the subdivision, the Subdivider shall provide Atascosa County with an appropriate construction bond or financial security to assure the county that all roads and streets within the subdivision will be constructed in accordance with these regulations. Financial security must be arranged in one of the following ways:

7.8.1.1 A Construction Bond filed by the Subdivider payable to Atascosa County in the amount of 100% of the cost of construction. The bond must be a surety bond provided by a surety company licensed to conduct business within the State of Texas; or

7.8.1.2 The Subdivider may escrow funds to include certificates of deposit or other financial instruments as may be deemed satisfactory by the Commissioners court and in the amount of the total cost of construction (100%).

7.8.1.3 The financial security must be valid for 36 (thirty-six) months from the date of the Final Plat acceptance.

7.8.1.4 The Subdivider has 12 (twelve) months to complete the construction of the road from the date of the Final Plat acceptance.

7.8.2 When a Subdivider files a Preliminary Plat and constructs the roads prior to Final Plat approval, the Subdivider shall provide Atascosa County with the appropriate construction bond or financial security to assure the County that all roads and streets within the subdivision will be constructed in accordance with these regulations. Financial security must be arranged in one of the following ways:

7.8.2.1 A Maintenance Bond filed by the Subdivider payable to Atascosa County in the amount of 20% of the cost of construction. The bond must be a surety bond provided by a surety company licensed to conduct business within the State of Texas; or

7.8.2.2 The Subdivider may escrow funds to include certificates of deposit or other financial instruments as may be deemed satisfactory by the Commissioners court and in the amount of the total cost of construction.

7.8.2.3 The financial security must be valid for 24 (twenty-four) months from the date of the Final Plat acceptance.

7.9 Final Plat Submittal for Roads.

When a plat is submitted for final approval, the three inspection sheets for the road construction, signed by the Engineer for the County and the County Commissioner, must be included with the submission packet.

ARTICLE VIII

8. LOT AND BLOCK STANDARDS.

8.1 Blocks.

Reserved. (However, see Section 8.3.2, Street Continuity, as it can affect street and block layout.)

8.2 OSSF Rules.

The area of each Lot must be sufficient to comply with the Atascosa County Rules for On-Site Sewage Facilities as applicable.

8.3 Minimum Lot Size.

The Lot size (area) of each subdivision shall be not less than the minimum stated in the following table, based on whether a public water system and collective sewer service are provided to every Lot:

Lot Sizing

Minimum lot area

Without public water and public sewer

2.5 acres

With either public water or public sewer

30,000 sq. ft

With public water and public sewer

No minimum; must meet
minimum lot frontage

High Density

See Section 8.4

8.4 High Density Development-Townhouse/Garden Home/Condominium/Apartment Subdivision.

High Density Development subdivisions shall be approved only when both a state approved central water system and a county and state approved sewage disposal system will be available to each lot and such residential development does not overly burden existing and proposed infrastructure, including proposed streets and other public facilities. High density subdivisions shall comply with the following regulations and all other subdivision regulations of the County that are not in conflict with the following regulations.

8.4.1 Townhouse Subdivisions.

8.4.1.1 Only one single-family residential townhouse shall be constructed on each lot in a Townhouse subdivision

8.4.1.2 Minimum front building setback lines shall be a minimum of twenty (20) feet.

8.4.1.3 Side setback line is not required for interior lots. Corner lots shall have a minimum of fifteen (15) foot setback line adjacent to the street.

8.4.1.4 Rear minimum building setback line shall be a minimum of ten (10) feet.

8.4.1.5 Width of lot. Interior lots shall have a minimum width of twenty-five (25) feet. Corner lots shall have a minimum width of thirty-five (35) feet.

8.4.1.6 Lot area shall have a minimum of 2,500 square feet.

8.4.1.7 Off Street Parking. There shall be at least two (2) off-street parking spaces for each 1,250 square foot lot.

8.4.2 Garden Home Subdivisions.

8.4.2.1 Only one single-family residential Garden Home shall be constructed on each lot.

8.4.2.2 There shall be no side building set-back line required on one side of the lot and minimum of five (5) feet set-back on the opposite side of the lot.

8.4.2.3 Easement. This easement shall be appurtenant to the adjoining lot but not exclusive to, and only for the purpose of maintaining the wall that is built directly on the property line of the adjacent lot.

8.4.2.4 Corner lots shall provide a minimum building set-back line of fifteen (15) feet on the side adjacent to the street.

8.4.2.5 Rear minimum building set-back line shall be ten (10) feet.

8.4.2.6 The minimum width of a lot shall be forty (40) feet.

8.4.2.7 Each lot in a Garden Home subdivision shall contain a lot area of not less than four thousand (4,000) square feet.

8.4.2.8 There shall be a minimum of two (2) off-street parking spaces for each Garden Home in the subdivision.

8.4.3 Condominiums.

8.4.3.1 Condominiums shall be treated as high density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements)

8.4.3.2 Condominiums shall be approved over non-Edwards Aquifer Recharge Zone areas only when both state approved sewage disposal system is available and does not overly burden existing and proposed streets and other public facilities.

8.4.3.3 Only one condominium regime shall be established per lot or tract as recorded by the Master Deed and Declaration as found in the Real Property Records of Atascosa County.

8.4.4 Apartments.

8.4.4.1 Apartments shall be treated as high-density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements).

8.4.4.2 Apartments shall be approved under these Rules only when both state approved central water system and a county and state approved sewage disposal system is available and does not overly burden existing and proposed streets and other public facilities.

8.4.4.3 There shall be no more than 20 apartment units per acre.

8.4.4.4 Only one apartment project shall be established per lot or tract.

8.5 Flag Lots.

Flag lots shall generally not be permitted, except 1) where 60 feet of lot frontage on a public ROW or 2) with public access where flag pole is not less than 60 feet in width or 3) if approved by Commissioners Court as consistent with the intent and spirit of these regulations. The Commissioner shall advise Commissioners Court if a proposed Lot constitutes a "Flag Lot", and Commissioners Court shall, in reviewing all the circumstances, make the final determination. In no event shall any private Lot extend into a dedicated public roadway.

8.6 Slope.

Each residential Lot should include a practical buildable area having at least three thousand (3,000) square feet, exclusive of the area required for on-site sewage facilities, and a slope of less than 15%.

ARTICLE IX

9. ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS.

9.1 Owner's Maintenance Responsibility.

The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. Commissioners Court decision to approve a Final Plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

9.2 County Acceptance of Maintenance.

The county shall accept a road or street for maintenance when the following conditions have been satisfied:

9.2.1 The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Final Plat for the Road or street has been recorded and the associated right-of-way has been dedicated to the public pursuant to these Regulations; and

9.2.2 The Owner has submitted a written request to Commissioners Court. If the owner is no longer available, i.e. has ceased to transact any business, or in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request; and

9.2.3 The Precinct Commissioner has performed and approved all required inspections at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the Precinct Commissioner and not to proceed with construction until proper inspections and tests have been obtained, as required by the Precinct Commissioner.) Any laboratory tests and test hold shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been approved in writing by the Precinct Commissioner; and

9.2.4 The Precinct Commissioner has inspected the street no earlier than thirty (30) days prior to Commissioner Court acceptance of the maintenance obligation and has submitted to Commissioners Court and Inspection Report stating that:

9.2.4.1 The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of the inspection; and

9.2.4.2 The requirements of Section 11.4 below, regarding construction of drainage structures and driveway drain pipes, have been satisfied; and

9.2.4.3 The Precinct Commissioner recommends acceptance of the street by Commissioners Court.

9.2.5 One of the following has occurred:

9.2.5.1 The Owner has posted with the Department cash, bond or a letter of credit in a form approved by Commissioners Court (a "Maintenance Bond") to secure the proper construction and maintenance of the Roads prior to County acceptance thereof in an amount equal to twenty percent (20%) of the construction costs of the streets for a term of two (2) years following acceptance by the county. Before release of the Maintenance Bond or Letter of Credit, the Precinct Commissioner shall again inspect the roads or streets, and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond or Letter of Credit. If the deficiencies are not promptly remedied, the county shall make the repairs and draw on the Maintenance Bond or Letter of Credit for payment. Note: A Maintenance Bond must be posted regardless of the date the streets or roads are accepted by the county, for all streets or roads completed prior to the recording of the Final Plat.

9.2.6 County Acceptance of Streets Constructed as Private Streets. The Commissioners Court shall not accept for County maintenance any street constructed as a private street unless the street and associated drainage improvements are upgraded as necessary to comply with current standards of these Regulations.

9.2.6.1 Right-of-Way. If the street right-of-way is not dedicated to public use by a plat of record or deed instrument(s) satisfactory to the Commissioners Court, the Commissioners Court may require that the owner(s) petitioning for County acceptance execute a right-of-way deed(s) to the County. Petitioners should coordinate with the County

Commissioner ensure that right-of-way is sufficient for any modification, reconstruction or realignment of street or drainage improvements required for the improvements to conform to these Regulations.

9.2.6.2 Design, Testing, and Inspections. Petitioners should coordinate with the Precinct Commissioner regarding the nature and extent of reconstruction, repair, upgrade, modification or realignment of existing street and drainage improvements necessary to bring them into conformance with these Regulations. The Commissioners Court may require such testing and inspection of existing improvements as the Court deems necessary, and may require that construction plans for necessary modifications be prepared by a licensed engineer at the petitioners' expense.

9.2.6.3 Procedure. The procedures and requirements of Sections 10.2.2 through 10.2.5 shall apply, provided that in case of conflicting requirements the requirements of this Section 10.2.6 shall govern.

9.3 Installation of Utility Lines.

All utility lines planned to be constructed under paved streets shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four (4) feet beyond the pavement and must be approved in advance by the Precinct Commissioner, unless otherwise approved by Commissioners court.

ARTICLE X

10. WATER AND WASTEWATER SYSTEMS.

10.1 Water.

10.1.1 Design and Construction. Public water supply shall be designed and constructed in accordance with the rules of the TCEQ.

10.2 Wastewater.

10.2.1 Design and Construction. Wastewater collection systems shall be designed and constructed in accordance with the rules of the TCEQ.

10.2.2 Compliance with the On-Site Sewage Rules. All Lots must be designed in compliance with the County Rules for On-Site Sewage Facilities.

10.3 Water Availability.

10.3.1 The Atascosa County Commissioners Court makes no representation or warranty, either express or implied, that subdivisions that comply with these water availability regulations will meet the current and/or future water needs of purchasers of property within the subdivision.

10.3.2 Applicability. These Water Availability Regulations apply to all applications for approval of a plat for a Subdivision wholly or partially within Atascosa County, Texas pursuant to the Atascosa County Subdivision Rules, except as exempted hereafter.

10.3.3 Exceptions to Water Availability Regulations.

10.3.3.1 Subdivision of property where platting is not required by the Atascosa County Subdivision Rules;

10.3.3.2 Subdivision of property in which all Lots are 25 acres or greater.

10.3.4 Water Availability data shall be presented to the Commissioners Court upon submission of the Preliminary Plan. Atascosa County shall have the Water Availability data reviewed by a qualified expert on behalf of Atascosa County.

10.4 Requirements For Subdivisions To Be Served By Private Water Wells.

The Final Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be private water wells shall include Water Availability data derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of Test-Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these regulations.

10.4.1 The following Water Availability data is required:

10.4.1.1 Map of the proposed subdivision prepared by a qualified expert identifying:

10.4.1.1.1 Geological formations;

10.4.1.1.2 Location of test and monitor wells by longitude and latitude.

10.4.1.1.3 Available data on wells within one thousand (1,000) feet of the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in files of the Texas Water Development Board or TCEQ or otherwise known to the qualified expert.

10.4.1.2 The static water level to the nearest one tenth (0.1) foot, equated to the mean sea level elevation.

10.4.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to an acidization or other flow capacity treatment of the well. The duration of the pump test shall be twenty-four (24) consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two (2) hours.

10.4.1.4 Statement by a qualified expert, based on the pump test.

10.4.1.4.1 Estimated yield of wells proposed for the subdivision.

10.4.1.4.2 Determination of transmissivity of the water-bearing formation or strata from which the ground water will be withdrawn;

10.4.1.5 Certification by a registered professional engineer that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision of full build-out based on number of connections, using the formula for minimum gallons per year to be supplied to the subdivision:

Minimum gallons per year = Number of connections x 3.5 x 100 x 365 days

10.4.2 The following statement shall appear on the Final Plat for the approved subdivision: "This subdivision will be served by individual, privately owned groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of Lots in the is subdivision is in the office of the County Clerk of Atascosa County, Texas."

10.4.3 For any existing or proposed private water well which is subject to permitting or pumping restrictions by a governmental subdivision, the Applicant shall submit proof that pumping of groundwater at the specified rate complies with applicable regulations and/or permits.

10.5 Requirements For Subdivision To Be Served By A Proposed New Public Water System.

10.5.1 The Final Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be a proposed new Public Water Supply System relying wholly or partially on groundwater or surface water shall include Water Availability data on these respective sources.

For Groundwater sources, this water availability data shall be derived from a minimum two wells (one test well and one monitor well). There shall be one (1) set of Test Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations. Groundwater Availability Data shall include:

10.5.1.1 Map of the proposed subdivision prepared by a qualified expert identifying:

10.5.1.1.1 Geological information

10.5.1.1.2 Location of test and monitor wells by longitude and latitude
10.5.1.1.3 Available data on wells within one thousand (1,000) feet the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development Board or TCEQ or otherwise known to the qualified expert.

10.5.1.2 The static water level to the nearest tenth (0.1) foot, equated to the mean sea level elevation.

10.5.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be twenty four (24) consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two (2) hours.

10.5.1.4 Statement by a qualified expert, based on the pump test:

10.5.1.4.1 Estimated yield of wells proposed for the subdivision

10.5.1.4.2 Determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;

10.5.2 For Surface Water sources, water availability data shall include:

10.5.2.1 Identification of the source(s) of surface water (name of stream or impoundment) and proof that withdrawal or diversion of surface water complies with state and federal laws.

10.5.2.2 Identification of any wholesale water provider to the system, the date of wholesale water supply contract(s) and the maximum quantity of water per year that is committed by the wholesale supplier to the public water supply system.

10.5.2.3 A description of interconnection(s) with other public water supply system(s) and the terms under which water will be provided by either system to the other.

10.5.2.4 For proposed new public water supply system, certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out, based on

number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

10.5.3 The following statement shall appear on the Final Plat for an approved subdivision:

“This subdivision will be served by [Name of New Public Water Supply System, and mailing address]. Information on the [Name of New Public Water Supply System] is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Atascosa County, Texas.”

10.6 Requirements For Subdivisions To Be Served By An Existing Public Water Supply System.

The Final Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be an existing Public Water Supply System relying wholly or partially on groundwater or surface water shall include certification in writing by the president or general manager of the public water supply system of the following:

10.6.1 General System Information.

10.6.1.1 Name, address phone number, authorized agent and TCEQ facility number.

10.6.1.2 Map of the service area of the Public Water Supply System, showing the location of the proposed subdivision.

10.6.1.3 Certification that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

10.6.2 The following statement shall appear on the Final Plan for an approved subdivision:

“This subdivision will be served by [Name and address of Public Water Supply System]. Information on the [Name of Public Water Supply System] is available to prospective purchasers of lots in the office of the County Clerk of Atascosa County, Texas and be stated in the deed restrictions.”

ARTICLE XI

11. DRAINAGE DESIGN AND IMPROVEMENTS.

11.1 Stormwater Runoff into County Drainage Facilities.

Stormwater runoff from any Development may not be released into any county drainage ditch, swale, easement, culvert or other facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. The Precinct Commissioner may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with this Section.

11.1.1 Incentive for Lots Larger than five (5) acres. If all Lots in a subdivision are larger than five (5) acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II), then such subdivision shall be deemed to be in compliance with this Section 12.1 and no additional materials need to be submitted to demonstrate compliance to the County Commissioner.

11.2 Sizing of Drainage Facilities.

All drainage facilities for residential (single family or duplex residences) subdivisions including ditches, drainage pipes, street curbs, gutter inlets driveway or road culverts, and storm sewers shall be designed to intercept and transport runoff from the following frequency storm.

11.2.1 Drainage Facilities for Other Subdivisions. For all drainage facilities serving Lots not intended for use as single family or duplex development, drainage and all drainage facilities shall be designed by a Registered Professional Engineer according to twenty-five (25) year storm event calculations.

11.3 Conveyance of 100-year Storm Frequency Flows.

In addition to 11.2 above, the drainage system shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined

right-of-way or drainage easements, which shall not be narrower than 20' (twenty feet) in width.

11.4 Completion of Drainage System Prior to Acceptance of Road Maintenance.

No streets will be accepted for maintenance by the County until all roadway drainage structures, excluding drainpipes for driveways, are constructed as of the acceptance date and have been (i) installed by the Owner or occupant(s) of the Lot(s), and (ii) inspected and approved by the Precinct Commissioner or his/her designated agent.

11.5 Maximum Headwater Elevation for Drainage Crossings.

All roads, culverts, underneath roads, and bridges shall be designed so that stormwater runoff from the frequency storm event designated below crossing such road or bridge shall not produce a headwater elevation at the roadway greater than six (6) inches above the roadway crown elevation.

11.5.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the road surface. Commissioners Court may require installation of gates or warning devices at all or some such locations; and

11.5.2 All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to flowing over the road or street; and

11.5.3 This Section 11.5 does not apply to driveway culverts.

11.6 Drainage Design Methodology.

Computations by a registered professional engineer to support all drainage designs shall be submitted to the Department for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

11.6.1 All computations of floodplains, culverts, channels, etc., shall be based on fully developed upstream conditions; and

11.6.2 A drainage area of sixty-four (64) acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than sixty-four (64) acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedicated of a drainage easement.

11.7 Easements.

- 11.7.1 All flood plain and concentrated flows for the 100-year storm frequency shall be contained within a dedicated easement or right-of-way; and
- 11.7.2 Development will be allowed within the flood plain or within a drainage easement only on a case-by-case basis, and in any event any structures constructed within the flood plain must be above the base flood elevation. No development whatsoever will be permitted in the floodway.

ARTICLE XII

12. REVISION (RESUBDIVISION) AND CANCELLATION.

12.1 Revision.

For purposes of this section, any subdivision platted prior to January 1, 1975, shall not be considered a plat and a replat of such a subdivision shall be considered an original plat. The Owner of an existing Lot or Lots in a subdivision that was platted on or after January 1, 1975 may submit an application to revise the protection of the existing plat affecting such Lots, unless prohibited by restrictive covenants or plat note files pursuant to these Regulations, by submitting the following to the Atascosa County Rural Development:

12.1.1 Two (2) full-size (24"x36") copies and one (1) digital copy (up to eight (8) additional half-size copies may be requested) of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or if submitted by a private property owner who is not a developer in the subdivision, other materials acceptable to the Precinct Commissioner clearly setting forth the desired amendment; and

12.1.2 A statement giving the reason for the proposed revision; and

12.1.3 A filing fee equal to one hundred dollars (\$100) per affected lot, five hundred dollars (\$500) minimum, per the Atascosa County Subdivision Fee Schedule.

12.2 Review Period.

Commissioners Court shall have the review period established in Section 3.7 and 3.8 above.

12.3 Public Notice.

After the date the revision or resubdivision is posted for consideration by Commissioners Court, but before the application is considered by the Court, the applicant shall file proof that the Owner, at its expense, has delivered or published all notices required by Local Government Code, Section 232.009, including:

12.3.1 A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the revision/resubdivision, including a statement of the time and place at which Commissioners Court, will meet to consider the application and hear protests, if any. As required by Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the 30th day and ending on the 7th day prior to the date of the Commissioners Court hearing; and
12.3.2 Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

12.4 Criteria for Approval.

Commissioners Court may approve an application to revise a subdivision upon a finding that:

12.4.1 The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered with has agreed to and signed the revised plat; and

12.4.2 The plat as revised conforms to the requirements of the regulations.

12.5 Cancellation.

An application to cancel an existing plat shall be submitted and considered in accordance with Article 232.008 of the Texas Local Government Code, which establishes, among other things:

12.5.1 The application shall be granted if it is shown that the cancellation of all or a part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it shown that the purchaser agrees to cancellation; and

12.5.2 Notice of the application must be published in English in the county for at least three (3) weeks before action is taken on the application; and

12.5.3 Upon application of the Owners of 75 percent (75%) of the property included in the subdivision, phase or identifiable part, Commissioners Court shall authorize the cancellation upon notice and hearing is required under Local Government Code, Article 232.008, provided that if the Owners of at least 10 percent (10%) of the property affected file written objections with

Commissioners Court, the grant of an order of cancellation is at the discretion of Commissioners Court; and

12.5.4 Establishing a certain private action for damages against the applicant for persons who protest unsuccessfully against a cancellation application.

In the event of any conflict or inconsistency between the summaries set forth above the actual terms of Article 232.008 of the Local Government Code, as amended, the terms of the Local Government Code shall control all respects.

ARTICLE XIII

13. MANUFACTURED HOME RENTAL COMMUNITIES (MHRC)/RV PARKS.

13.1 General Requirements.

In order to protect the public health, safety and welfare, and to provide for orderly and healthful development and infrastructure in Atascosa County, the Commissioners Court of Atascosa County finds that the following rules are necessary for the regulation of Manufactured Home Rental Communities (MHRC)/RV Parks within Atascosa County, as provided for in the Texas Local Government Code, Chapters 231, 232, and 234.

13.2 Approval Required Prior to Construction.

Community (MHRC/RV Park) may not begin before a Development Authorization Order has been issued by Atascosa County. These regulations apply to a Manufactured Home Rental Community (MHRC)/RV Park for which construction is commenced on or after the effective date of these Regulations. Development Authorization for Manufactured Home Rental Communities (MHRC)/RV Park shall be issued in the form of a Development Authorization Order from Commissioners Court.

13.3 Approval Required Prior to Furnishing Utility Service.

A utility may not provide utility services, including water, sewer, gas, and electric services to a Manufactured Home Rental Community(MHRC)/RV Park that is subject to a Development Authorization Order until the Development Authorization Order is issued by the County.

13.4 Exempted Manufactured Home Rental Communities (MHRC)/RV Parks. The following Manufactured Home Rental Communities (MHRC)/RV Parks are exempted from the requirements of this Chapter, except for the requirement to register, as outlined below:

13.4.1 Manufactured Home Rental Communities (MHRC)/RV Parks consisting of five (5) or fewer spaces or lots each of which is occupied by an individual who is related to the owner of the Manufactured Home Rental Community (MHRC)/RV Park within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any space or lot is subsequently offered for

rent or lease to the public or is occupied by persons at least one of which is not related to owner within the third degree by consanguinity or affinity, the requirements of Chapter apply; or

13.4.2 Manufactured Home Rental Communities (MHRC)/RV Parks consisting entirely of individual lots or spaces which are ten (10) acres or larger.

13.4.3 Exempted Manufactured Home Rental Communities (MHRC)/RV Parks must have direct access to a public roadway or, if in the opinion of the Commissioners Court access for emergency vehicles and school buses is deemed sufficient, then the direct access requirement may be waived.

13.5 Registration for Exemption.

All exempt Manufactured Home Rental Communities (MHRC)/RV Parks shall register with and submit the following to the County:

13.5.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto;

13.5.2 A survey of sketch (which may be on tax parcel maps or other form approved by the Department) showing the boundaries of the spaces or lots, adjacent roads and adjacent property owners;

13.5.3 An executed registration Application in the form promulgated by the Department; and

13.5.4 An affidavit stating that the owner of the Manufactured Home Rental Community (MHRC)/RV Park acknowledges that any change in the exemption status may make the Manufactured Home Rental Community (MHRC)/RV Park subject to this Chapter.

13.6 Acknowledge of Registration of Exemption.

Upon the receipt of a Registration for an Exempt Manufactured Home Rental Community (MHRC)/RV Park, the Department shall issue a written acknowledgement to the person filing the registration. This written acknowledgement shall reference the acknowledgements made on the registration form and the affidavit required under 745.2.02(D), and shall indicate that any changes in the exemption status may make the Manufactured Home Rental Community (MHRC)/RV Park subject to this Chapter.

13.7 General Requirements and Application Procedures.

Applications to the Commissioners Court for approval of a Manufactured Home Rental Community (MHRC)/RV Park pursuant to these Regulations are subject to the general requirements and Application procedures set for subdivision drainage and road standards in the Atascosa County Subdivision and Development Regulations.

13.8 Fees.

Fees for Applications for Manufactured Home Rental Communities (MHRC)/RV Parks shall be based on the number of lots or rental spaces and shall be as established by the Commissioners Court. Application Fees may include a minimum review fee in addition to the fee per lot or rental space.

13.9 Application Information.

13.9.1 In addition to the items required to be submitted in accordance with this Regulation all applications and fees for approval of a Manufactured Home Rental Community (MHRC)/RV Park, including amendments or supplemental materials, shall be submitted as required in Article III to **Atascosa County Rural Development** and shall also include the name of the proposed Manufactured Home Rental Community (MHRC)/RV Park.

13.10 Communication with Precinct Commissioner.

The Applicant or the Applicant's authorized agent is required to contact the Director of Rural Development or the Commissioner in whose precinct the proposed Manufactured Home Rental Community (MHRC)/RV Park is located prior to the submission of the Application.

13.11 Supplemental Information.

In addition to the items required to be submitted with the Application in accordance with Article III, each application for a Manufactured Home Rental Community (MHRC)/RV Park shall be supplemented with the following information:

13.11.1 A copy of the deed or deeds documenting current ownership of the Subject Property.

13.11.2 A boundary survey of the proposed Manufactured Home Rental Community (MHRC)/RV Park, prepared by a Texas licensed professional land surveyor, which identifies the proposed location of all rental spaces, utility easements, drainage easements and floodplain boundaries.

13.11.3 An Infrastructure Development Plan, prepared by a Texas licensed professional engineer, that details the following information:

13.11.3.1 Existing and proposed public and private roadways, including those designed for general egress/ingress and those designated for emergency access.

13.11.3.2 The means for providing water and wastewater service to the development, including a demonstration of availability for both services

13.11.3.3 A storm water management plan prepared in accordance with Article XII

13.11.3.4 All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit as requested by the County.

13.12 Internal Roadways and Storm Water Management Facilities.

13.12.1 All internal roadways and associated storm water management facilities shall be designed and constructed to minimum standards that are reasonably necessary to permit ingress and egress access by fire and emergency vehicles as designed by a Texas licensed professional engineer. The drainage facilities shall not be required to exceed the standards and specifications for subdivisions, as set forth in Article XII of these Regulations.

13.12.2 Communities Served by On-Site Sewage Facilities

All developments to be served by On-Site Sewage Facilities shall comply with the TCEQ Regulations (specifically 30 TAC §285.4, "Facility Planning" and 30 TAC §285.5, "Submittal Requirements for Planning Materials") and Article XI of these Regulations.

13.13 Requirements Prior to Occupancy.

The County shall inspect all roadways and associated storm water management structures for compliance with these minimum standards. Tenants may not occupy rental spaces until all construction requirements of the infrastructure plan have been approved and completed.

13.14 Notice Required.

13.14.1 All Applications seeking approval from the County for a Manufactured Home Rental Community (MHRC)/RV Park shall be required to notify the public using posted notice and written notice.

13.14.2 Posted Notice shall contain the following text:

"An application has been filed with ATASCOSA COUNTY to develop a manufactured home rental community on this property. Information regarding the application be contained from the Atascosa County Rural Development office.

13.14.3 Written Notice. The Applicant shall be required to notify affected political subdivisions and property owners within two hundred (200) feet of the Subject Property upon submission of any application to the County. The notice must include, at the minimum, the following information:

- 13.14.3.1 The maximum number of rental units to be located at the subject property;
- 13.14.3.2 The anticipated timetable for initial construction and any anticipated subsequent phases of development, including an estimated population for each phase and at full buildout; and
- 13.14.3.3 A statement of how water, wastewater, emergency service, and electric service will be provided, including identification of all such proposed utility providers.

PROPOSED

ARTICLE XIV

14. VARIANCES.

14.1 Criteria for Variance.

Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the Rules. Factors to be considered by the Court in evaluating a request for variance shall include:

14.1.1 The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted; and

14.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development; and

14.1.3 That the granting of the variance will not be detrimental to the public health, safety and welfare, will not retard the moral, healthful and orderly development of the county, be injurious to the other property, and will not prevent the orderly subdivision of the land in the area in accordance with these Regulations.

14.1.4 Whether there are special circumstances or conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the applicant off the reasonable use of his or her land so that failure to approve the variance would result in undue hardship to the applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.

14.2 Application for Variances.

Any person who wishes to receive a variance should apply to Commissioners Court by filing a Non-Standard Plat/Variance Application, including a detailed justification, for each variance requested to Rural Development. The request shall be submitted with payment of a non-refundable fee (see fee schedule for application fee).

14.3 Discretion to Grant Variances.

The decision of the Commissioners Court to grant or deny a variance is at its complete discretion, and will be final.

ARTICLE XV

15. ENFORCEMENT AND PENALTIES.

15.1 Category of Offense.

A person commits an offence if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations, the Rules of Atascosa County for On-Site Sewage Facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment, or both.

15.2 Enforcement Actions.

At the request of Commissioners Court, the County Attorney or other prosecuting attorney for the County may file an action in a Court of competent jurisdiction to:

15.2.1 Enjoin the violation of threatened violation of a requirement established by or adopted by Commissioners Court under these regulations; or

15.2.2 Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by Commissioners Court under these Regulations.

15.3 Enforcement of Plat Notes.

The enforcement of plat notes or restrictions is generally the responsibility of the persons holding a property interest, whether in fee simple, or by easement, in the subdivision. Plat Notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of Atascosa County for On-Site Sewage Facilities or Articles VI, VII, X or XI of Regulations, any plat note limiting development to single family residences or prohibiting further resubdivision of the tract in order to qualify for an incentive under these regulations, any plat note affecting county right-of-way, drainage or the public health, safety and welfare. Moreover, Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction, connection of utilities, or issuing of permits if the plat notes or restrictions have been violated.

15.4 Severability.

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In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgement unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, section, appendices or articles of these Regulations. It is the express intent of the Commissioners Court that the sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

PROPOSED

ATASCOSA COUNTY SUBDIVISION APPLICATION CHECKLIST

The following items **MUST BE** included as part of your application for subdivision development, in the order listed below:

- ☐ Electronic copy of proposed plat
- ☐ 911 Addressing Subdivision/Road Name Verification – as previously approved by Rural Development
- ☐ Copy of deed indicating ownership of property
- ☐ Resolution demonstrating authority to execute for any entity
- ☐ Letter from public water utility company or evidence of water availability for water wells
- ☐ Letter of eligibility from County Septic Inspector (when using septic systems)
- ☐ Letter from electric utility company
- ☐ Letter from TxDOT – *if applicable* ☐ N/A
- ☐ Letter from Emergency Services District (ESD) – *if applicable* ☐ N/A
- ☐ Draft of Construction Bond, Letter of Credit or Escrow Agreement
- ☐ Copy of Covenants and Restrictions for proposed subdivision
- ☐ Tax Certificates indicating all taxes are paid in full and current
- ☐ Copy of completed Floodplain application or signed and sealed statement by engineer of no flood plain on property
- ☐ Drainage Analysis to include all maps and calculations to support the study, per § 6.2.2.5 of the Atascosa County Subdivision Ordinance

- ☐ Downstream Impact Analysis
- ☐ Electronic copy of Drainage Analysis/Study
- ☐ Soil Evaluation of site for proposed subdivision
- ☐ Road Design and Construction Drawings
- ☐ Electronic copy of Road Design and Construction Drawings
- ☐ Driveway permit(s) and applicable fees
- ☐ Environmental Site Report – *if applicable* ☐ N/A
- ☐ Fire Marshal certification letter regarding fire protection system
- ☐ Master Plan – *if applicable* ☐ N/A
- ☐ Copy of document establishing HOA/POA – *if applicable* ☐ N/A
- ☐ Subdivision Application Checklist
- ☐ Application for Subdivision Plat Consideration
- ☐ Additional Requirements to Ascertain Compliance
- ☐ Plat Physical Characteristics and Appearance
- ☐ Construction Costs Estimate Review and Acceptance, including cost breakdown and calculations – *if applicable* ☐ N/A
- ☐ Subdivision Application fee
- ☐ Development shapefiles
- ☐ Signed Road Construction Inspection & Certification forms (there should be three forms, one for each stage of construction) – final plat only

***** Incomplete applications will not be accepted. * * ***

ATASCOSA COUNTY APPLICATION FOR SUBDIVISION PLAT CONSIDERATION

Date Received: _____

Check #: _____

Receipt #: _____

Owner:

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Developer (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Contact Person (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Name of Proposed Subdivision: _____

Size and Location of Original Tract: _____

Name of Nearest Public Road/Street to Subdivision: _____

Commissioner Precinct No: _____ School District(s): _____

Water Service Provider: _____

Electric Utility Provider: _____

Engineer

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Surveyor

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

ADDITIONAL REQUIREMENTS TO ASCERTAIN COMPLIANCE FOR ATASCOSA CO.

(This attachment shall be completed in its entirety and submitted as part of the application)

The following checklist is for the use of a Developer in ascertaining initial compliance with the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Subdivision Coordinator in processing an application under the Rules. This list does not supersede or replace the Subdivision Rules, and each applicant must comply with the Subdivision Rules, as they are amended from time to time. The General Criteria established throughout this document establish minimum criteria. If the requested subdivision deviates in any substantive way from these criteria established herein, a variance is required. The variance request must be resolved prior to submission of the plat application. This completed list should be presented to the Atascosa County Subdivision Coordinator's Office with each preliminary plat. **Check the appropriate response.**

1. Is any part of the proposed subdivision in the extraterritorial jurisdiction (ETJ) of an incorporated municipality? ☐ YES ☐ NO ☐ N/A

If so:

a. Which city _____

b. Does the city control its own ETJ territory for platting? ☐ YES ☐ NO

c. If any part of the proposed subdivision is in the extraterritorial jurisdiction of an incorporated municipality, have you presented the plat to that municipality for approval?

☐ YES ☐ NO

2. Did you obtain approval from Commissioners Court for any variances from the platting requirements of Atascosa County? ☐ YES ☐ NO

a. If so, is a copy of the approval of the variance attached? ☐ YES ☐ NO

3. Will the roads, streets and alleys of the subdivision be dedicated to the public? ☐ YES
☐ NO ☐ N/A

~~4. Will the roads, streets and alleys remain private? ☐ YES ☐ NO ☐ N/A~~

~~a. If the roads, streets and alleys, and other common elements are to remain private, will title to them be transferred to a POA/HOA or other entity with the responsibility to maintain them?~~

~~☐ YES ☐ NO~~

~~b. Will a gate or other device to control access barricade the entrance to the subdivision?~~

~~☐ YES ☐ NO~~

~~c. If the subdivision is to be a controlled access (gated) community, have you provided for a siren-operated automatic gate opener, and a Lock Box and Emergency Response Key, and letters from EMS, Law Enforcement, and Fire Departments?~~ ☐ YES ☐ NO

5. If the subdivision fronts a TxDOT controlled highway, have you provided a letter from TxDOT for highway access? ☐ YES ☐ NO ☐ N/A

6. Is detention utilized in the drainage study? ☐ YES ☐ NO ☐ N/A

If so, an HOA/POA is required. Have you provided a copy of the document forming the HOA/POA?

☐ YES ☐ NO ☐ N/A

7. Will a Home Owners Association be created? ☐ YES ☐ NO ☐ N/A

If so, is the appropriate statement regarding a Home Owners Association included on the plat?

☐ YES ☐ NO ☐ N/A

8. Will the proposed subdivision be served by: (check one)

☐ a. A public water system?

☐ b. Private water wells? If so, have you obtained the necessary evidence that potable water is available for each tract? ☐ YES ☐ NO ☐ N/A

9. Will the proposed subdivision be served by: (check one)

☐ a. On-Site Sewage Facilities (OSSF)? If so, have you attached the required site evaluations? ☐ YES ☐ NO ☐ N/A

☐ b. A municipal sewage disposal system?

☐ c. A quasi-municipal sewage disposal system?

☐ d. A central sewage disposal system?

If b, c, or d applies, have you included Drawings to include engineered plans for sewage installation? ☐ YES ☐ NO

10. If each lot is to be served by private water well AND OSSF, is each lot at least two and a half (2.5) acres?

☐ YES ☐ NO ☐ N/A

11. If each lot is to be served by a public water system and OSSF, is each lot at least 30,000 sq. ft.?

☐ YES ☐ NO ☐ N/A

12. Is the proposed development within an Emergency Services District (ESD)?

☐ YES ☐ NO

If so, have you provided a letter from the ESD indicating the proposed development will be in compliance with their rules and regulations? ☐ YES ☐ NO

PROPOSED

PLAT PHYSICAL CHARACTERISTICS AND APPEARANCE FOR ATASCOSA COUNTY

All writing and drawings on the Record Plat must be large enough to be easily legible following recording, and legible at 50% photocopy reduction.

The following information must be indicated on the plat

- ☐ 1. Name of the proposed Subdivision
- ☐ 2. The original patented survey(s)
- ☐ 3. The number of acres in each survey with the abstract number of same
- ☐ 4. The volume and page of the current deed, as filed in the Official Public Records of Atascosa County, of the tract being subdivided. Include the description provided by the tax office as a separate note.
- ☐ 5. Boundary lines and total acreage of the Original Tract and the Subdivision
- ☐ 6. Total number of lots in the subdivision unit
- ☐ 7. A listing of lots and respective acreage within the proposed subdivision
- ☐ 8. Total acreage and dimensions of each lot. The area of each lot must be shown in acres to two (2) decimal places.
- ☐ 9. Location and acreage of any proposed parks, squares, greenbelts, schools, or other public use facilities, with identification of the entity proposed to own and maintain each.
- ☐ 10. Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision
- ☐ 11. Area map showing general location of Subdivision in relation to major roads, towns, cities, or topographic features
- ☐ 12. North arrow, scale, and date. The scale shall not exceed 1" = 200'.
- ☐ 13. GPS coordinates of at least two (2) corners of the subdivision
- ☐ 14. Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction (ETJ) of any city
- ☐ 15. Indicate the school district in which the Subdivision is located. *In the event any lot lies within more than one school district, then the plat shall clearly state the number of acres within the lot that lies within each school district.*
- ☐ 16. Indicate location of any existing structures (wells, cemeteries, etc.) in the subdivision on the plat.
- ☐ 17. Bearings and dimensions of the boundary of the Subdivision and all lots, parks, green belts, easements, or reserves. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.

- ☐ 18. A description of monument used to mark all boundary, lot and block corners, and all points of curvature and the tangent on street rights-of-way
- ☐ 19. Location of original survey line. The subdivision shall be located with respect to an original corner of the original survey of which it is a part.
- ☐ 20. Lot numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.
- ☐ 21. Elevation contours of no greater than ten foot (10') intervals, or two foot (2') if applicable, shall be shown on the plat.
- ☐ 22. All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency, including distances from block corners to flood plain line.
- ☐ 23. For subdivisions containing 100-year floodplain, benchmarks and required finished floor elevations of each lot shall be shown in accordance with the Federal Emergency Management Agency.
- ☐ 24. If base flood elevations have not been established, they shall be established by a method satisfactory to the Atascosa County Flood Plain Order.
- ☐ 25. The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements, and the impact of lot and street layouts on drainage
- ☐ 26. Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission On Environmental Quality in CFR 30 Texas Administrative Code 213.3) and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all sensitive features in accordance with the terms of these regulations.
- ☐ 27. Total length of all streets, to the nearest one-hundredth of a foot (0.01') **and a declaration indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads**
- ☐ 28. Total acreage of all streets, public or private
- ☐ 29. A designation of the classification of each road or street to be constructed or, for any existing street abutting the subdivision, the classification, pavement width, and right-of-way width of the street wherever it is adjacent to the subdivision
- ☐ 30. Total area of all rights-of-way to be dedicated to the public/POA/HOA
- ☐ 31. Location, length, and right-of-way widths of all proposed streets allocated by construction phases and depiction of how all proposed streets shall connect with previously dedicated, platted, or planned streets within the vicinity of the subdivision, see Article 7 in the Atascosa County Subdivision Regulations.
- ☐ 32. **Required Paved Private Road note from § 7.5.2.1 in the Subdivision Ordinance, if applicable**
- ☐ 33. Location, size, and proposed uses of all proposed access easements, or shared access driveways, if any

- ☐ 34. The following statement shall appear prominently on the Final Plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit has been approved by the Precinct Commissioner of Atascosa County or his or her designated representative, or Texas Department of Transportation for driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Atascosa County Road Standards or TXDOT Standards, as applicable
- ☐ 35. The location of all proposed utility easements and/or infrastructure, including water well sanitary easements and location of water storage tank and access easements, as well as any other infrastructure, if applicable
- ☐ 36. All required drainage easements shall be represented to scale on the final plat.
- ☐ 37. Dense lot requirements, if applicable.
- ☐ 38. Table indicating culvert sizing per lot.
- ☐ 39. Lots affected by Special Flood Hazard Area (SFHA) must be listed in the notes section.
- ☐ 40. Utility easement diagrams and plat notes
- ☐ 41. Name, address and signature of the Owner, and Developer or Applicant if not the Owner. (All names must be typed or printed directly under the executed signature.)
- ☐ 42. Name, address and signature of the Surveyor and Engineer. (All names must be typed or printed directly under the executed signature.)
- ☐ 43. The following statement shall appear on the Final Plat for the approved subdivision above the Owner's signature block: "The owner of the land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public, except areas identified as private, forever all streets, alleys, parks, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed. Additionally, the owners agree to extend public utilities listed on this plat adjacent to each platted lot before said lot is sold."
- ☐ 44. Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water from a specified stream or river, ground water from a specified aquifer, etc.)
- ☐ 45. The following statement shall appear on the Final Plat for the approved subdivision: "This subdivision will be served by individual, privately owned groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of Lots in the is subdivision is in the office of the County Clerk of Atascosa County, Texas."
- ☐ 46. The following statement shall appear on the Final Plat for an approved subdivision:
- "This subdivision will be served by [Name of New Public Water Supply System, and mailing address]. Information on the [Name of New Public Water Supply System] is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Atascosa County, Texas."*
- ☐ 47. The following statement shall appear on the Final Plan for an approved subdivision:

"This subdivision will be served by [Name and address of Public Water Supply System]. Information on the [Name of Public Water Supply System] is available to prospective purchasers of lots in the office of the County Clerk of Atascosa County, Texas and be stated in the deed restrictions."

- ☐ 48. Signature block for Commissioners Court approval
- ☐ 49. A written certification from a Registered Professional Engineer that the construction plans and pavement designs are in accordance with these Regulations
- ☐ 50. A signed statement by a registered professional engineer certifying that fire suppression requirements of these Regulations have been met.
- ☐ 51. An appropriate statement indicating the types of sewage disposal systems required for the subdivision.
- ☐ 52. The following statement shall appear prominently on the Final Plat: "No homes are to be built or brought onto the lot until floodplain permits have been obtained and application for septic permit is submitted."
- ☐ 53. Each plat will bear in at least twelve (12) point type the following statement "No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Atascosa County Sanitation Officer."
- ☐ 54. Certification that all Lots have been designed in compliance with the Rules of Atascosa County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Atascosa County On-Site Sewage Rules and any request for a variance under the Rules of Atascosa County for On-Site Sewage Facilities.
- ☐ 55. The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public water system or an individual water system. Due to declining water supply, prospective property owners are cautioned by Atascosa County to question the seller concerning ground water availability. Rainwater collection is encouraged and in some areas may offer the best renewable water resource."
- ☐ 56. The following statement shall appear prominently on the plat: "No structure or development within the subdivision may begin until Final approval of the plat by Atascosa County Commissioners Court and recording of the approved plat by the County Clerk."
- ☐ 57. Statement regarding Emergency Services District, if applicable.

STANDARD PLAT/VARIANCE APPLICATION CHECKLIST

The following checklist is for the use of the applicant in ascertaining initial compliance with the Non-Standard Plat/Variance Procedures of the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Rural Development Office in processing an application under the Rules. This completed list should be presented to the Atascosa County Rural Development Office with each Application for Non-Standard Plat/Variance consideration.

The following documents shall be submitted as part of the application.

******Incomplete applications WILL NOT be accepted.******

- ☐ Non-Standard Plat/Variance Application – must be filled out in its entirety.
- ☐ A complete copy of deed indicating applicant's ownership of the property.
- ☐ A survey plat indicating the parent tract and the tract being created by the proposed Non-Standard Plat/Variance.
- ☐ Letter from the appropriate electric utility supplier.
Name of Company: _____
- ☐ Letter from the appropriate water utility supplier.
Name of Company: _____
- ☐ If the tract being created by the proposed Non-Standard Plat/Variance has frontage on a state-maintained road, a statement from TxDOT indicating availability of access to property.
- ☐ If the property is within a subdivision, a copy of the Subdivision Covenants, Conditions and Restrictions.
- ☐ If the property is within a subdivision, but Subdivision Covenants, Conditions and Restrictions do not exist, a signed and dated statement from the applicant stating that they do not exist.
- ☐ If the property is within a subdivision, a statement from the Home Owners Association indicating the division of the tract is not in violation of the Subdivision Covenants and Restrictions.
- ☐ If the property is within a subdivision, but a Home Owners Association (HOA) does not exist, a signed and dated statement from the applicant stating that an HOA does not exist.

NON-STANDARD PLAT/VARIANCE APPLICATION

Non-Standard Plat/Variance approval is to be obtained by the owner of the property to be subdivided prior to selling. Therefore, the applicant is the owner of the property to be subdivided.

Date Received: _____ Commissioner Precinct #: _____

Check #: _____

1. Name of Owner: _____

2. Address of Property to be subdivided: _____

3. Mailing Address of Owner: _____

4. Phone Number of Owner: _____

5. Name of Alternate Contact Person: _____

6. Address of Alternate Contact Person: _____

7. Phone Number of Alternate Contact Person: _____

8. Relief Requested (Reference the specific Section/Paragraph of the current Atascosa County Subdivision and Development Rules and Regulations):

9. Reason for Requesting Relief

a. What special circumstances or conditions affect the land involved such that the strict interpretation of the provisions of these regulations would deprive you of the reasonable use of this land.

b. Why is relief necessary for the preservation and enjoyment of a substantial property right of yours?

c. Will the granting of relief not be detrimental to the public's health, safety, and welfare? Please explain.

d. Will the granting of relief not have the effect of preventing the orderly subdivisions of other land in the area? Please explain.

Applicant Signature: _____ Date: _____

ATASCOSA COUNTY SUBDIVISION DEVELOPMENT FEES

Application fee for Preliminary Plat	\$300.00/lot*
Application fee for Final Plat	\$300.00/lot*
Infrastructure/Floodplain Review	\$6,000*
Application fee for a Replat	\$100.00/lot created
Minimum application fee for all subdivisions	\$700.00
Application fee to Amend/Correct a Plat	\$200.00
Application fee to Cancel a Plat	\$100.00/lot (plus all publication costs)
Application fee for non-standard plat or variance	\$150.00
Manufactured Rental Home Communities	\$200/lot/home/RV space

These fees are subject to change. It is the responsibility of the holder of the copy of these regulations to maintain a current copy.

*If the proposed subdivision covenants and restrictions meet the adopted requirements, the subdivision may qualify for reduced subdivision fees.

Required parameters for Subdivision Covenants and Restrictions:

- No manufactured homes
- ~~No private roads~~
- One home per lot
- No commercial activity unless specifically zoned as such
- HOA is created to enforce the Covenants and Restrictions

If the above restrictions are in place in the covenants and restrictions, then the below subdivision fees are applicable. The final determination is made by **Atascosa County Rural Development.**

Application fee for Preliminary Plat	\$100.00/lot
Application fee for Final Plat	\$100.00/lot
Infrastructure/Floodplain	\$3,000.00

9-1-1 ADDRESSING SUBDIVISION/ROAD NAME VERIFICATION

Name of Proposed Subdivision: _____

Developer Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Road Names

Length in Linear Ft.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Submitted by:

Date:

Printed Name

Signature

(DO NOT WRITE BELOW THIS LINE)

=====

Approved by:

Date:

Atascosa County 911 Addressing

ESN: _____

911 Addresses will be issued upon presentation of approved and filed Final Plat

Revised 10/10/2023

Procedures for Registration of Division of Land in Atascosa County

An Owner whose division of land is excepted from the platting requirements of these regulations shall register the division with the County Clerk and submit the following to the Atascosa County Clerk:

- ☐ A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto.
- ☐ A survey of sketch showing the boundaries of the Lots, adjacent roads and adjacent property owners. This may be on tax parcel maps or any other map that allows County staff to clearly determine the necessary information.
- ☐ An executed registration form (provided below) to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the County.

Registration for Division of Land in Atascosa County

I _____, am the owner of the attached filed division of land located at _____ (legal description). I have had the division of land reviewed by the Rural Development Office and they have determined the division of land is excepted from the platting requirements of Atascosa County, Texas. I acknowledge that the property as described in the filed plat description are subject to all on-site wastewater permit requirements and other development permit requirements of Atascosa County and further division of the land will need to be submitted to the Atascosa County Attorney's office for review. I acknowledge that I may apply for a Certificate of Exemption through the Atascosa County Commissioners Court.

Exception Type (see attachment for definitions of each type):

- | | | |
|---|--|--|
| ☐ Agricultural Use | ☐ Family | ☐ 10+ Acres |
| ☐ Veterans Land Board | ☐ State Agency | ☐ Political Subdivision |
| ☐ Divided into two parts | ☐ All parts to original owner | |

Date: _____

Signature: _____

Printed Name: _____

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned Notary Public, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same has been executed for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this _____, 2020.

Notary Public, in and for
State of Texas

Division Type Definitions:

Agricultural: The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as to defined, the platting requirements of this Order shall apply;

Family: The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply;

10+ Acres: All the lots are more than ten (10) acres in area and the owner does not lay out part of the tract [see Chapter 232.001(a)(3), Local Government Code];

Veterans Land Board: All the lots are sold to veterans through the Veterans' Land Board program;

State Agency: The land belongs to the state or any state agency board, or commission or the permanent school fund or any other dedicated funds of the state;

Political Subdivision: The land belongs to a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to adjoining landowners;

Divided into two parts: One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of Chapter 232 of the Texas Local Government Code and these Rules;

All parts to original owner: All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract; or,

ATASCOSA COUNTY MHRC/RV PARK APPLICATION CHECKLIST

The following items **MUST BE** included as part of your application for a Manufactured Home Rental Community (MHRC) or RV Park, in the order listed below:

- ☐ 3 copies (24'x36') and 1 electronic copy of proposed development plan
- ☐ 911 Addressing MHRC/RV Park/Road Name Verification – as previously approved by Rural Development
- ☐ Copy of deed indicating ownership of property
- ☐ Resolution demonstrating authority to execute for any entity
- ☐ Letter from public water utility company or evidence of water availability for water wells
- ☐ Letter of eligibility from County Septic Inspector (when using septic systems)
- ☐ Letter from electric utility company
- ☐ Letter from TxDOT – *if applicable* ☐ N/A
- ☐ Letter from Emergency Services District (ESD) – *if applicable* ☐ N/A
- ☐ Tax Certificates indicating all taxes are paid in full and current
- ☐ Copy of completed Floodplain application and fee or signed and sealed statement by engineer of no flood plain on property
- ☐ Drainage Analysis to include all maps and calculations to support the study, per § 6.2.2.5 of the Atascosa County Subdivision Ordinance
- ☐ Downstream Impact Analysis
- ☐ Electronic copy of Drainage Analysis/Study
- ☐ Road Design and Construction Drawings
- ☐ Electronic copy of Road Design and Construction Drawings
- ☐ Commercial Driveway permit(s) and applicable fees

- ☐ Fire Marshal certification letter regarding fire protection system
- ☐ Master Plan – *if applicable* ☐ N/A
- ☐ MRHC/RV Park Development Plan Application Checklist
- ☐ Application for MRHC/RV Park Development plan Consideration
- ☐ Additional Requirements to Ascertain Compliance
- ☐ MRHC/RV Park Development Plan Physical Characteristics and Appearance
- ☐ Construction Costs Estimate Review and Acceptance, including cost breakdown and calculations – *if applicable* ☐ N/A
- ☐ MRHC/RV Park Application fee

***** *Incomplete applications will not be accepted.* * * ***

CAUTION: Texas Law requires a landlord to charge sales tax for short rental periods. It is the Operator's responsibility to contact the Comptroller's Office regarding sales tax collection requirements:
<https://comptroller.texas.gov>

ATASCOSA COUNTY APPLICATION FOR MHRC/RV PARK CONSIDERATION

Date Received: _____

Check #: _____

Receipt #: _____

Owner:

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Developer (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Contact Person (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Name of Proposed MHRC/RV Park: _____

Size and Location of Original Tract: _____

Name of Nearest Public Road/Street to MHRC/RV Park: _____

Commissioner Precinct No: _____ School District(s): _____

Water Service Provider: _____

Electric Utility Provider: _____

Engineer

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Surveyor

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

ADDITIONAL REQUIREMENTS TO ASCERTAIN COMPLIANCE FOR ATASCOSA CO.

(This attachment shall be completed in its entirety and submitted as part of the application)

The following checklist is for the use of a Developer in ascertaining initial compliance with the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Subdivision Coordinator in processing an application under the Rules. This list does not supersede or replace the Subdivision Rules, and each applicant must comply with the Subdivision Rules, as they are amended from time to time. The General Criteria established throughout this document establish minimum criteria. If the requested subdivision deviates in any substantive way from these criteria established herein, a variance is required. The variance request must be resolved prior to submission of the plat application. This completed list should be presented to the Atascosa County Rural Development Office with each development plan. **Check the appropriate response.**

1. Is any part of the proposed MHRC/RV Park in the extraterritorial jurisdiction (ETJ) of an incorporated municipality? ☐ YES ☐ NO ☐ N/A

If so:

a. Which city _____

b. Does the city control its own ETJ territory for platting? ☐ YES ☐ NO

c. If any part of the proposed MHRC/RV park is in the extraterritorial jurisdiction of an incorporated municipality, have you presented the plat to that municipality for approval?

☐ YES ☐ NO

2. Did you obtain approval from Commissioners Court for any variances from the platting requirements of Atascosa County? ☐ YES ☐ NO

a. If so, is a copy of the approval of the variance attached? ☐ YES ☐ NO

3. Will the roads, streets and alleys of the MHRC/RV park be dedicated to the public?

☐ YES ☐ NO ☐ N/A

~~4. Will the roads, streets and alleys remain private? ☐ YES ☐ NO ☐ N/A~~

~~a. If the roads, streets and alleys, and other common elements are to remain private, will title to them be transferred to a POA/HOA or other entity with the responsibility to maintain them?~~

~~☐ YES ☐ NO~~

b. Will a gate or other device to control access barricade the entrance to the MHRC/RV Park?

☐ YES ☐ NO

c. If the subdivision is to be a controlled access (gated) community, have you provided for a siren-operated automatic gate opener, and a Lock Box and Emergency Response Key, and letters from EMS, Law Enforcement, and Fire Departments? ☐ YES ☐ NO

5. If the MHRC/RV park fronts a TxDOT controlled highway, have you provided a letter from TxDOT for highway access? ☐ YES ☐ NO ☐ N/A

6. Is detention utilized in the drainage study? ☐ YES ☐ NO ☐ N/A

If so, an HOA/POA is required. Have you provided a copy of the document forming the HOA/POA? ☐ YES ☐ NO ☐ N/A

7. Will a Home Owners Association be created? ☐ YES ☐ NO ☐ N/A

If so, is the appropriate statement regarding a Home Owners Association included on the plat? ☐ YES ☐ NO ☐ N/A

8. Will the proposed MHRC/RV park be served by: (check one)

☐ a. A public water system?

☐ b. Private water wells? If so, have you obtained the necessary evidence that potable water is available for each tract? ☐ YES ☐ NO ☐ N/A

9. Will the proposed MHRC/RV park be served by: (check one)

☐ a. On-Site Sewage Facilities (OSSF)? If so, have you attached the required site evaluations? ☐ YES ☐ NO ☐ N/A

☐ b. A municipal sewage disposal system?

☐ c. A quasi-municipal sewage disposal system?

☐ d. A central sewage disposal system?

If b, c, or d applies, have you included Drawings to include engineered plans for sewage installation? ☐ YES ☐ NO

10. If each lot is to be served by private water well AND OSSF, is each lot at least two and a half (2.5) acres? ☐ YES ☐ NO ☐ N/A

11. If each lot is to be served by a public water system and OSSF, is each lot at least 30,000 sq. ft.? ☐ YES ☐ NO ☐ N/A

12. Is the proposed development within an Emergency Services District (ESD)?

☐ YES ☐ NO

If so, have you provided a letter from the ESD indicating the proposed development will be in compliance with their rules and regulations? ☐ YES ☐ NO

PROPOSED

PLAT PHYSICAL CHARACTERISTICS AND APPEARANCE FOR ATASCOSA COUNTY

All writing and drawings on the MHRC/RV Park Development Plan must be large enough to be easily legible following recording, and legible at 50% photocopy reduction.

The following information must be indicated on the plat

- ☐ 1. Name and address of the proposed Development
- ☐ 2. Name and address of Owner
- ☐ 3. Name and address of Operator, if different than Owner
- ☐ 4. The original patented survey(s)
- ☐ 5. The volume and page of the current deed, as filed in the Official Public Records of Atascosa County, of the tract being developed
- ☐ 6. Boundary lines and total acreage of the Original Tract and the Development
- ☐ 7. Total number of Lodging Development Units and Recreational Vehicle Spaces
- ☐ 8. Location of Lodging Development Units and Recreational Vehicle Spaces, which shall be numbered sequentially
- ☐ 9. Utility Easements
- ☐ 10. Roads
- ☐ 11. Set back lines
- ☐ 12. Parking spaces
- ☐ 13. Fire hydrants
- ☐ 14. Location of dumpster(s)
- ☐ 15. Public or common areas
- ☐ 16. Buildings (laundry, sanitation, office, etc.)
- ☐ 17. Location of septic dump stations
- ☐ 18. Septic systems, including drain fields (if applicable)
- ☐ 19. Water wells (if applicable)
- ☐ 20. Water supply lines
- ☐ 21. Water storage tank(s) and access easements (if applicable)
- ☐ 22. Electric supply lines
- ☐ 23. Natural gas supply lines (if applicable)
- ☐ 24. Names of adjoining subdivisions or owners of property contiguous to the proposed Development

- ☐ 25. Area map showing general location of Development in relation to major roads, towns, cities, or topographic features
- ☐ 26. North arrow, scale, and date. The scale shall not exceed 1" = 200'
- ☐ 27. Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction (ETJ) of any city
- ☐ 28. Location of any existing structures (wells, cemeteries, etc.)
- ☐ 29. All special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency
- ☐ 30. The Location and size of all proposed drainage structures and features, including on-site retention or detention ponds and easements, and the impact of the Development on drainage
- ☐ 31. Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission On Environmental Quality in Title 30 Texas Administrative Code 213.3)
- ☐ 32. A window insert depicting, to scale, the average Lodging Development Unit and the average Recreational Vehicle Space, as applicable
- ☐ 33. Statement indicating that groundwater is to be the source of water

ATASCOSA COUNTY SUBDIVISION DEVELOPMENT FEES

Application fee for Preliminary Plat	\$300.00/lot*
Application fee for Final Plat	\$300.00/lot*
Infrastructure/Floodplain Review	\$6,000*
Application fee for a Replat	\$100.00/lot created
Minimum application fee for all subdivisions	\$700.00
Application fee to Amend/Correct a Plat	\$200.00
Application fee to Cancel a Plat	\$100.00/lot (plus all publication costs)
Application fee for non-standard plat or variance	\$150.00
Manufactured Rental Home Communities	\$200/lot/home/RV space

These fees are subject to change. It is the responsibility of the holder of the copy of these regulations to maintain a current copy.

*If the proposed subdivision covenants and restrictions meet the adopted requirements, the subdivision may qualify for reduced subdivision fees.

Required parameters for Subdivision Covenants and Restrictions:

- No manufactured homes
- No private roads
- One home per lot
- No commercial activity unless specifically zoned as such
- HOA is created to enforce the Covenants and Restrictions

If the above restrictions are in place in the covenants and restrictions, then the below subdivision fees are applicable. The final determination is made by the Office of Rural Development.

Application fee for Preliminary Plat	\$100.00/lot
Application fee for Final Plat	\$100.00/lot
Infrastructure/Floodplain	\$3,000.00

RECORD OF CHANGES

CHANGE NUMBER	DATE OF APPROVAL	PAGE NUMBER	ITEM NUMBER	TOPIC
001	11/08/2021	18	Article III 3.6	Point of submittal moved to 911 Addressing/Subdivision Coordinator
002	02/14/2022	Attachment	Tables 1 & 2	Updating ROW width
003	02/14/2022	14	Article II 2.35	Definition of a subdivision
004	3/14/2022	Various	Various	Updating the Application/Checklist and removing all Preliminary Plat verbiage.
005	3/14/2022	Attachment	Fee Schedule	Updating fee schedule
006	10/10/2022	Attachment	Fee Schedule	Updating fee schedule
007	10/10/2022	Attachment	Road Name Verification	Adopted
008	10/10/2022	Attachment	Non-Standard Plat/Variance Application	Adopted
009	10/10/2022	59	Article XIV, 14.2	Adding Non-Standard Plat/Variance Application
010	2/27/2023	13	Article II, 2.21	Adding Manufactured Home Rental Community definition
011	2/27/2023	35	Article VII, 7.6	Removed the "Privately Maintained Unpaved Streets" section.
012	2/27/2023	52	Article XIII, 13.4	Removed two exemptions.
013	3/13/2023	18	Article III, 3.5	Updated the mylar size.

CHANGE NUMBER	DATE OF APPROVAL	PAGE NUMBER	ITEM NUMBER	TOPIC
014	8/28/2023	52-56	Article XIII	Updating to specify RV parks and the abbreviation "MHRC"
015	8/28/2023	Attachment	Subdivision Application	Removed four items from plat checklist, added two items to the application checklist and one to the plat checklist
016	10/10/2023	Attachment	Subdivision Fees	Updating fees – effective 1/1/2024
017	10/10/2023	22-23	Article IV, 4.5	Removed §4.5
018	10/10/2023	Attachment	Pavement Design Guide	Changed the parameters to include structural credit given to tri-axial geogrid
019	10/10/2023	Attachment	Master Development Plan & Application	Adopted the application and procedures for Master Development Plans

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Revised 10/10/2023

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*As per Commissioners Court, any “fees” in these Regulations are subject to change.

ARTICLE I

1. PREAMBLE: Purpose and Intent of These Rules.
 - 1.1 These Subdivision and Development Regulations have been an order of the Atascosa County Commissioners Court to promote public safety and the general welfare of the County, and to provide a framework for the orderly, safe, efficient, healthful, and mortal development of the unincorporated parts of Atascosa County.
 - 1.2 These Regulations are intended to govern the subdivision and development of land in the unincorporated areas of Atascosa County, and they apply to all unincorporated areas of the County, except where by specific written agreement with a city the County has modified these Regulations within extraterritorial jurisdiction of that city, or delegated its responsibility for subdivision oversight to that city.
 - 1.3 These Regulations are intended to allow for the orderly and healthful development of land within the County while honoring private property rights and allowing landowners the legal and reasonable use of their land.
 - 1.4 These Subdivision Regulations have been adopted based on the following findings:
 - 1.4.1 Atascosa County's location near San Antonio puts it on the edge of one of the nation's largest urban areas, the effects of which have been seen in the growing subdivision of land and population growth in the County over the past several years, particularly in some parts of the County; and
 - 1.4.2 Population growth and land development, without proper regulation and management, have caused economic, infrastructure, public health, and environmental problems in other communities across the nation and in South Texas, and would be likely to cause similar problems in Atascosa County; and
 - 1.4.3 Various academic studies, legislative hearings, and news articles have chronicled the particular need for careful regulation of subdivision and development activity in both South Texas and in suburban and "urban ring" counties such as Atascosa County; and

- 1.4.4 These problems mentioned in 1.4.2 and 1.4.3 (above) would be likely to further strain County infrastructure, devalue existing property, impose an unwarranted tax burden on the citizens of the County, threaten the natural resources, natural beauty and historic character of the County, undermine efficient traffic management, and impede road maintenance, 9-1-1 addressing, emergency response, and adequate water and utility availability, the healthful disposal of waste water, the control of disease, floodplain management, and generally to have an adverse effect on the public health, safety, and general welfare in Atascosa County; and
- 1.4.5 The State of Texas has authorized the Commissioners Courts of Texas Counties, including Atascosa County, to regulate the subdivision of land pursuant to Local Government Code §232.001 et. Seq.; and
- 1.4.6 The State has further recognized the special pressures on growing counties in and adjacent to urban areas by enacting Subchapter E, Chapter 232 of the Texas Local Government Code, authorizing counties to regulate infrastructure planning and to adopt rules with respect to subdivision platting that are designed to promote the health, safety, morals, and/or general welfare of the County, as well as to promote the safe, orderly, and healthful development of the unincorporated areas of the County; and
- 1.4.7 The Commissioners Court of Atascosa County has been designated by the Texas Commission on Environmental Quality as the as the authorized agent for the licensing and regulation of on-site sewerage facilities within Atascosa County and these Regulations are a necessary component of such regulation; and
- 1.4.8 The Commissioners Court of Atascosa County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Atascosa County; and
- 1.4.9 The Commissioners Court of Atascosa County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development regulations within the County and to regulate associated development within Atascosa County; and

- 1.4.10 The Commissioners Court of Atascosa County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these regulations to abate or prevent the potential pollution, nuisances or injury to public health; and
- 1.4.11 These Regulations are enacted to implement the powers conveyed counties under the laws of the State of Texas, including but not limited to the Texas Local Government Code, Texas Rev. Stat. Ann. Art. 2352 (general control over all roads, highways, and bridges), Texas Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Texas Rev. State. Ann. Art. 6625A (regulations of road and streets and other facilities to control drainage and storm water runoff within the real estate subdivision developments), Texas Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Texas Rev. Stat. Ann. Art. 1443. 1443a and 1436b (regulation of oil and gas utility lines within the county right-of-way), Texas Rev. Stat. Ann. Art 4477-7e (authority to adopt standards for on-site sewerage facilities), Texas Rev. Stat. Ann. Art. 4477-9a regulation of public highways for litter control), Texas Local Government Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extra-territorial jurisdiction of municipalities), Texas Health and Safety Code Ann. Section 336.032 and 368.011 (authority to adopt rules relating to on-site sewerage facilities), Texas Health and Safety Code Section 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Texas Water Code Ann. Section 16.311, et. seq. (authority to set standards for construction within flood plain and to guide development of future development to minimize damage caused by floods), Texas Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Texas Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Texas Water Code Section 26.171 and 26.174 (regulation of water quality by counties), and Texas Water Code Section 35.019 (certification of water availability); and

- 1.4.12 The Commissioners Court of Atascosa County has considered the potential burden on present and future landowners and taxpayers of substandard development and/or poor quality road construction; and
 - 1.4.13 The Commissioners Court of Atascosa County recognizes the importance of an interconnected road system throughout Atascosa County to provide efficient access by emergency vehicles and school transportation vehicles, and the responsible role of the Commissioners Court to ensure an appropriate level of infrastructure and road planning through the subdivision process; and
 - 1.4.14 The Commissioners Court has considered the potential burden to private property rights, to property owners, and to taxpayers, of these Rules and Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads and infrastructure planning, flood, and immoral and unhealthful development that might reasonably be expected to occur in the absence of these Regulations; and finally,
 - 1.4.15 The Commissioners Court has determined that these Regulations should apply broadly but the Court, in Article IV of these Regulations, has provided for exceptions consistent with state law.
- 1.5 The Commissioners Court of Atascosa County, having received a report from the committee of citizens appointed to review the need for rules, having consulted with professionals in the field of engineering and land planning, and following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to protect the public health, morals and resources of Atascosa County, to safeguard the private property rights of Atascosa County, and to accomplish the purposes and goals enumerated in the findings above.

ARTICLE II

2. DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- 2.1 Applicant. An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.
- 2.2 Application. A county-provided form completed by an applicant and accompanied by multiple copies of plans or plats and support documents as required by these regulations.
- 2.3 Commissioners Court. The Commissioners Court of Atascosa County.
- 2.4 County. The county government of Atascosa County, Texas.
- 2.5 County Clerk. The County Clerk of Atascosa County.
- 2.6 County Commissioner. Any one of present Commissioners of Atascosa County wherever this term is used wherein, in may include his or her designated representative.
- 2.7 Court. Unless another specific court is specified, references to the “Court” in these rules refer to the Atascosa County Commissioners Court.
- 2.8 Department. The Atascosa County Environmental Health Department.
- 2.9 Development. All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces, and golf courses and other recreational facilities.
- 2.10 Designated Agent. A person designated by the Atascosa County Commissioners Court to implement, or review compliance, with certain parts of these Rules. This person may be but is not necessarily the Precinct Commissioner.
- 2.11 Determination or Letter of Determination. The finding that an action meets or does not meet the definition of Subdivision, or the documentation of that finding.
- 2.12 ETJ. The extraterritorial jurisdiction of a municipality as determined in accordance with Chapter 42 of the Local Government Code.

- 2.13 Final Plat. A scaled drawing of a proposed Subdivision of land with survey data, notes, dedications, certifications and acceptances as required by these Regulations, prepared to be placed on record in the official records of Atascosa County.
- 2.14 Flag Lot. A lot having the minimum required frontage on a public right-of-way with the largest portion of the lot area connected to the public right-of-way by a narrow strip of land, or “flag pole,” which is included in the lot.
- 2.15 Full Build-out. The final expected number of residences, businesses, or other dwellings in the proposed subdivision.
- 2.16 Letter of Determination. See Determination
- 2.17 Interlocal Agreement. An Agreement between two or more Governmental Entities.
- 2.18 Licensed Professional Engineer. An Engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.
- 2.19 Lot. Any tract to be created by division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract and excluding proposed public right-of-way.
- 2.20 Manufactured Home. A dwelling that meets the definition of Manufactured Home under Texas law.
- 2.21 Manufactured Home Rental Community (MHRC). A plot or tract of land that is separated into two or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.
- 2.22 Order. The order of the Commissioners Court authorizing and implementing these Rules.
- 2.23 Original Tract. The original tract of land owned by an Owner prior to the proposed subdivision.
- 2.24 Owner. The Owner of land being subdivided.

2.25 Performance Guarantee. A guarantee of performance including but not limited to cash deposit, surety bond or letter of credit, in an amount and form acceptable to the County.

2.26 Permitted Street. As defined in Section 8.1.

2.27 Precinct Commissioner. The member of the Commissioners Court who is elected or appointed to represent the Atascosa County precinct in which the land proposed for development and subject to this Order is located.

2.28 Public Water System. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which, includes all uses described under the State's definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," as an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. [30 TAC 290.38(47)]

2.29 Qualified Expert. A hydrologist, registered professional geologist or registered professional engineer.

2.30 Recreational Vehicle (RV). For the purposes of these Regulations, an RV is a vehicle which is a) built on single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Furthermore, an RV placed on a site in a Special Flood Hazard Area must meet the elevation and anchoring requirements for manufactured homes unless it is on the site for fewer than 180 consecutive days or is fully licensed and ready for highway use.

2.31 Regulations. When capitalized, the Atascosa County Subdivision and Development Regulations and related Orders.

2.32 Requirements Applicable to Public Water Systems. The requirements in TCEQ rules covering public water systems in Title 30, Texas Administrative Code, Chapter 290, (relating to Rules and Regulations for Public Water Systems)

2.33 Rules. When capitalized, the Atascosa County Subdivision and Development Regulations and related Orders.

2.34 Sketch Plan. A map showing a potential subdivision of land not required to be drawn in precision, to serve as the basis for comments by the County to a landowner or potential applicant regarding general compliance with these regulations.

2.35 Subdivision. The division of a tract of land situated wholly or partly within Atascosa County and outside the corporate limits of any municipality into two or more parts to lay out:

- (1) A subdivision of the tract, including an addition;
- (2) Lots; or
- (3) Streets, alleys, squares, parks, or other parts as defined by Sec 232.001(a)(3), Texas Local Government Code

A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed or other executor contract to convey, or in a lease (other than agricultural, hunting, oil and gas lease), or by using any other method of a conveyance of an interest in land.

A division of land shall be considered as relating to the laying out of streets, whether public or private, if:

2.35.1 The division occurs prior to the later to occur: Two (2) years from the date of the completion of construction of any street onto which the Lot has frontage or, in the case of public streets, the expiration of the performance or maintenance bond for any such streets;

2.35.2 The division of land creates one or more Lots without practical, physical vehicular access onto a permitted street or with less than sixty (60) feet of direct frontage onto a permitted street or calls for driveways onto permitted streets that are spaced fewer than sixty (60) feet apart;

2.35.3 The division of land will affect drainage on, in or adjacent to a public street or any country drainage ditch, culvert or other drainage facility;

2.35.4 Other circumstances exist which, in the determination of Commissioners Court, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any lot has access.

2.36 Surface Water. As defined by the TCEQ at Title 30, Texas Administrative Code.

2.37 Surveyor. A Registered Professional Land Surveyor certified by the Texas Board of Professional Land Surveying.

2.38 TAC. Texas Administrative Code.

2.39 TCEQ. Texas Commission on Environmental Quality

CURRENT

ARTICLE III

3. GENERAL SUBDIVISION REQUIREMENTS

3.1 General Requirements.

Any owner who subdivides a tract of land shall:

3.1.1 Comply in all respects with these regulations, and

3.1.2 Prepare and submit to the Commissioners Court and application for approval or registration of the proposed subdivision in accordance with the terms and procedures set forth in these regulations.

3.1.3 Some subdivision actions are excepted from platting by these Regulations. See Article IV.

3.2 Subdivision Approval Process.

No subdivision shall be approved until the Owner has satisfied each of the following steps in order indicated:

3.2.1 Approval of Final Plat by the Commissioners Court; and

3.2.2 Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

3.3 Communication with Precinct Commissioner.

A potential Applicant is encouraged to meet with the Precinct Commissioner to discuss any development ideas, understand County road plans in the area, and discuss County rules and submittal procedures with the Commissioner before the Applicant goes to the time and expense of more detailed engineering design and submittal preparation. Only a Designated Agent of the Commissioners Court may approve inspections or submittals under these Regulations. Only the full Commissioners Court may give final and official approval of plat applications by recorded vote. See Article V.

3.4 Application Materials.

Each application for Final Plat shall include the following:

3.4.1 Two (2) full-size (24x36") copies of the Final Plat and one (1) digital copy of the Final Plat; the County may require up to eight (8) half-size (11x17"); and

3.4.2 Application fee or receipt; and

3.4.3 Property tax certificates showing that all taxes currently due with respect to the original tract(s) have been paid; and

3.4.4 A completed application form in the current form promulgated by the County; and

3.4.5 All other documents or reports required pursuant to these regulations and any associated bonds or letters of credit.

3.5 Record Plat.

Two (2) duplicate original prints on 24"x36" 4-mil mylar shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings of the Record Plat must be large enough to be easily legible following recording.

3.6 Point of Submittal.

Persons wishing to subdivide land or perform other regulated development activities in Atascosa County shall submit a completed subdivision application to the office of the 911 Addressing Clerk/Subdivision Coordinator. At the same time, the required application fee shall be submitted to the office of the Atascosa County Treasurer.

3.7 Application Review Periods.

3.7.1 Sketch Plan. The applicant should meet with the Precinct Commissioner and/or the Subdivision Coordinator to review the key elements of a Sketch Plan and receive feedback. The Precinct Commissioner may involve other County officials, staff or consultants in the review of the Sketch Plan. See Article V.

3.7.2 Completeness Check. Within ten (10) business days of its receipt of an application for subdivision approval, the County shall determine whether the application is complete in accordance with Section 3.4. If an application is determined to be incomplete, the County shall give written notice of that determination to the potential applicant, and the notice shall state the deficiencies in the submittal.

3.7.3 Acceptance by the County of a completed plat application shall not be construed as approval of the application or related documents.

3.7.4 Except as provided by Section Sec. 3.7.7 the Commissioners Court shall take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the County.

3.7.5 If the Commissioners Court disapproves a plat application, the Applicant shall be given a complete list of the reasons for the disapproval.

3.7.6 The 60-day period under Section 3.7.4: (1) may be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Commissioners Court; (2) applies only to a decision wholly within the control of the Commissioners Court.

3.7.7 The Commissioners Court shall make the determination under Section 3.7.6 on whether the 60-day period will be extended not later than the 30th day after the date a completed plat application is received by the County.

3.8 Technical Review Procedure.

Upon receipt of a completed application, the County or its designated agent shall conduct a technical review of the application and make a recommendation to the Commissioners Court as to whether the application is in compliance with these Regulations.

3.9 Application Fees.

The Applicant shall pay a nonrefundable fee in the amount set forth in the Fee Schedule together with each Application for a Final Plat. Commissioners Court may amend the Fee Schedule from time to time without amending or affecting the remainder of these Regulations.

3.10 Subdivisions within ETJ of a Municipality.

Whenever an Original Tract lies within the extraterritorial jurisdiction (ETJ) of a municipality and is subject to the subdivision regulations of such municipality, the subdivision shall comply with the standards and approval procedures established by the interlocal agreement between Atascosa County and the City regarding subdivisions in the ETJ. As required by the Texas Property Code, the County Clerk will not accept a record Plat for recordation unless it has been approved in accordance with such interlocal agreement. Where the guidance of an interlocal agreement is not clear or where one is not affect then the stricter of the two standards shall govern.

3.11 Wastewater and Development Permits.

The Department shall issue no On-Site Sewage Facility Permit or development permit on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Atascosa County Rules for On-Site Sewage, except that:

3.11.1 A division of land occurring before adoption of the original Subdivision Regulations shall be considered grandfathered and

3.11.2 A complete application for subdivision approval received by the Department prior to the effective date of these Regulations shall be considered solely on the basis of the Regulations in effect at the time the Department receives the complete application.

3.12 County Acceptance of Parks.

Parkland may be dedicated by the play to the County at the sole discretion of the Commissioners Court. In exercising its discretion, the Court may consider factors such as: an Atascosa County parks and open space plan; projected population in the region; whether the land is contiguous to the other dedicated park or open space; the topographic and vegetative features of the land; whether the land contains critical environmental features; the nature and extent of any improvements proposed by the subdivider; and costs and provisions for maintenance of park land and improvements. Acceptance of parkland for maintenance and/or ownership may be specifically stated in a motion and the minutes.

ARTICLE IV

4. EXCEPTIONS

4.1 Excepted Subdivisions.

In order to provide for the orderly and healthful development of land, and to protect both current and future citizens and taxpayers of Atascosa County, the County generally shall interpret the term “subdivision” in its broadest legal sense. However, the County also recognizes that there are certain limited classes of subdivision development that may not demand extensive County regulation, or that are specifically exempted by state law. The Commissioners Court wishes to make the regulatory process in Atascosa County as efficient and streamlined as possible, and only to regulate land development where there is a clear public benefit, and in concert with state rules. Accordingly, the Court recognizes the following exemptions, circumstances where Owners and developers are NOT required to seek or obtain subdivision plat approval from Atascosa County under these Rules. The County requires only that the Owner or Owner’s Agent registers the division and – for the protection of the Owner and the County – obtains a Certificate of Exemption. The normal platting rules will not apply. How to do this is described in Articles 4.3 and 4.4, below.

4.2 Standard Qualifications for Exemption.

To qualify for an Exemption from these Rules, and Owner or his/her Agent should be able to demonstrate that no streets, alleys, squares, parks, or other areas on the land are intended to be dedicated to public use or for the common use of the purchasers or owners of Lots; AND one or more of the following conditions exists:

4.2.1 The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as to defined, the platting requirements of this Order shall apply;

4.2.2 The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related

to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply;

4.2.3 All the lots are more than ten (10) acres in area and the owner does not lay out part of the tract [see Chapter 232.001(a)(3), Local Government Code];

4.2.4 All the lots are sold to veterans through the Veterans' Land Board program;

4.2.5 The land belongs to the state or any state agency board, or commission or the permanent school fund or any other dedicated funds of the state;

4.2.6 The land belongs to a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to adjoining landowners;

4.2.7 One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of Chapter 232 of the Texas Local Government Code and these Rules;

4.2.8 All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract; or,

4.2.9 Any exemptions or exceptions that are in the future added to the list of exceptions enumerated in Chapter 232, Texas Local Government Code.

4.3 Registration.

An Owner whose division of land is excepted from the platting requirements of these regulations shall register the division with the County Clerk and submit the following to the County Clerk:

4.3.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto; and

4.3.2 A survey of sketch showing the boundaries of the Lots, adjacent roads and adjacent property owners. This may be on tax parcel maps or any other map that allows County staff to clearly determine the necessary information; and

4.3.3 An executed registration form in the form promulgated by the County which shall require the Owner to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the County.

4.4 Certificate of Exception.

On request of the Owner, the Commissioners Court shall issue a certificate for presentation to the County Clerk certifying that the division of land is excepted from any platting requirements.

ARTICLE V

5. SKETCH PLAN

5.1 Purpose.

The purpose of a Sketch Plan is to give Applicants a relatively quick and inexpensive way to receive feedback from County officials. An Applicant – or someone who is simply considering a formal application – is encouraged to submit a Sketch Plan for comment by the Precinct Commissioner and/or his/her designated agent. The Precinct Commissioner and/or his/her designated agent will provide the Applicant with a general sense of whether the Sketch Plan is in general conformance with the underlying principles of these Rules and with local and state regulations. Sketch Plans are not required.

5.2 Required Content.

There are no requirements established by these Rules for the content of a Sketch Plan and no submittal fees. The Sketch Plan should show the entire area of every tract that is wholly or partly included in the proposed subdivision in order to demonstrate that the Plan furthers the efficient and orderly development of the land. The Applicant is encouraged to also designate the classification of roads, the nature of water and wastewater service, approximate location of known floodplain areas, and the range of lot sizes intended.

5.3 It is important to note that an individual Precinct Commissioner can only give his or her interpretation of County policy, and an opinion on likely action by the Commissioners Court. Precinct Commissioners, as individuals, do not have the authority to approve or disapprove an application, in whole or in part; only the Commissioners Court, meeting as a body, may grant approvals under these Regulations, or variances or amendments to these Regulations.

5.4 Applicants who wish to may go straight to the Application stage. Applicants are encouraged to take advantage of the Sketch Plan process to identify regulatory issues before committing to the greater expense of developing a Preliminary Plan and Application. Applicants should be aware that the County rules and regulations might be subject to change between the time they submit a Sketch Plan and they submit a formal Application for Final Plat approval.

ARTICLE VI

6. FINAL PLAT.

A proposed Final Plat shall include the following:

6.1 General Information.

Bearings and dimensions of the boundary of the Subdivision and all lots, parks, greenbelts, easements, and conservation areas. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated; and

6.1.1 Description of monumentation used to mark all boundary, lot and block corners, and all points of curvature and tangency on street right-of-way; and

6.1.2 Location of original survey line. The subdivision shall be located with respect to an original survey of which it is part; and

6.1.3 Lot and block numbers of each lot; and

6.1.4 Acreage of all lots, calculated to the nearest one-hundredth of an acre; and

6.2 Required Content.

A Final Plat shall include the following:

6.2.1 General Information.

6.2.1.1 Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision, and

6.2.1.2 The boundary lines and total acreage of the original tract and the Subdivision; and

6.2.1.3 A note or table stating the total number of Lots within the proposed subdivision, and the number of Lots within each of the following size categories: larger than 10 acres; from 2.5 acres to 10 acres; and less than 2.5 acres. The note or table should also illustrate how many Lots, if any, are dependent on individual wells, and how many dependent on OSSFs versus collective sewer. Allocation by construction phases, if applicable should also be included.

6.2.1.4 Approximate acreage and dimensions of each Lot; and

6.2.1.5 The location of any, schools or other public use facilities and any proposed parks, squares, common areas, greenbelts, preserves,

landscape easements, conservation areas or conservation easements, with identification of the entity proposed to own and maintain each; and

6.2.1.6 Names of adjoining subdivisions and Owners of tracts contiguous to the proposed subdivision; and

6.2.1.7 Name and address of the Surveyor and Engineer; and

6.2.1.8 Name and address of the Owner, and Developer or Applicant if not the Owner; and

6.2.1.9 Area Map showing general location of Subdivision in relation to major roads, towns, cities, rivers or topographic features; and

6.2.1.10 North arrow, scale and date. The scale shall not exceed 200' per inch (1" = 200'); and

6.2.1.11 Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city; and

6.2.1.12 The location of school district boundaries and a statement clearly indicating which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall clearly state the number of acres within the Lot that lies within each school district.

6.2.2 Flood Plain and Drainage information.

6.2.2.1 Elevation contours at not greater than ten foot (10') intervals, based on NAVD 88" datum and the source of the contour data; and

6.2.2.2 All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency; and

6.2.2.3 For each lot containing 100-year flood plain, sufficient additional contours to identify and delineate the 100-year flood plain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a method satisfactory to the Floodplain Administrator; and

6.2.2.4 For each subdivision containing 100-year flood plain, at least one benchmark showing NAVD 88' elevation, as well as latitude and longitude; and

6.2.2.5 A drainage plan depicting the anticipated flow of all drainage onto and from the subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year flood plain boundaries, ravines, bridges and culverts; and

6.2.2.6 The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements and the impact of lot and street layouts on drainage; and

6.2.2.7 Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission on Environmental Quality in 30 Texas Administrative Code §213.3) and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all sensitive features in accordance with the terms of these regulations.

6.2.3 Street and Right-of-Way Information.

6.2.3.1 Location, length and right-of-way widths of all proposed streets, allocated by construction phases, if applicable, and a depiction of how all proposed streets shall connect with previously dedicated streets or platted or planned streets within the vicinity of the Subdivision in accords with Section 7.3.2 of these Rules regarding street connectivity; and

6.2.3.2 Location, size and proposed use of all proposed access easements; and

6.2.3.3 A statement indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads; and

6.2.3.4 The number of feet of frontage of each Lot onto a Permitted Street, which shall be not less than sixty (60) feet; and

6.2.3.5 A designation of the classification of each road or street to be constructed or, for any existing street abutting the subdivision, the classification, pavement width, and right-of-way width of the street wherever it is adjacent to the subdivision; and

6.2.3.6 Proposed location of all depth gauges, as required under Article 12, at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface, and any proposed gates or warning devices. Note: Commissioners Court may require gates or warning devices at such locations.

6.2.4 Water, Wastewater and Other Utilities Information.

6.2.4.1 Designation of the entities supplying electric, phone and gas utilities to Lots; and

6.2.4.2 In schematic presentation, the location of all proposed public water lines, public sewer lines; utilities easements including water well sanitary easements, if applicable; water storage reservoirs; water or sewage treatment facilities, holding tanks, and pumping facilities; fire protection facilities; and any other infrastructure proposed to serve multiple lots; and

6.2.4.3 Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water from a specified stream or river, ground water from a specified aquifer, etc.); and

6.2.4.4 The author, date and title of the Water Availability Report submitted in support of the Application.

6.2.4.5 Certification that all Lots have been designed in compliance with the Rules of Atascosa County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Atascosa County On-Site Sewage Rules and any request for a variance under the Rules of Atascosa County for On-Site Sewage Facilities.

6.2.5 Phasing.

6.2.5.1 For a subdivision which the Applicant proposed to construct in phases:

6.2.5.1.1 The boundaries of the respective phase areas;

6.2.5.1.2 The projected date of completion of construction of each phase.

6.3 On-Site Sewage Facilities (OSSF).

A Final plat shall satisfy the requirements of the rules of Atascosa County for OSSF.

6.4 Flood Plain and Drainage Information.

6.4.1 For subdivisions containing 100-year flood plain, benchmarks and finished floor elevations of each lot in accordance with Federal Emergency Management Agency; and

6.4.2 For each subdivision or unit thereof, at least one monument containing latitude and longitude and 1988 NGVD datum coordinates shall be established and identified.

6.5 Street and Right-of-Way Information.

6.5.1 Total length of all streets, to the nearest one-tenth mile, and a declaration as to which category of streets will be constructed, or private streets maintained by an approved homeowners association; and

6.5.2 Total area of all rights-of-way to be dedicated to the public; and

6.5.3 The items required under Article X regarding County Maintained Streets and Property Association Maintained Streets, as applicable; and

6.5.4 The following statement shall appear prominently on the Final Plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit has been approved by the Precinct Commissioner of Atascosa County or his or her designated representative, or Texas Department of Transportation for driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Atascosa County Road Standards or TXDOT Standards, as applicable; and

6.5.5 The minimum driveway culvert size for each Lot shall no be less than 18".

6.6 Water, Wastewater and Utilities Information.

6.6.1 For each Lot not served by a Public Sewer System, the location of a viable percolation area or surface irrigation area for on-site sewage facilities; and

6.6.2 For each lot not served by a Public Water System propped well site(s), if any, and required sanitary easements for well head protection; and

6.6.3 The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public water system or an individual water system. Due to declining water supply, prospective property owners are cautioned by Atascosa County to question the seller concerning ground water availability. Rainwater collection is encouraged and in some areas may offer the best renewable water resource."; and

6.6.4 The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Atascosa County Sanitation Officer."

6.7 Other Plat Notes and Certifications.

6.7.1 The following statement shall appear prominently on the plat: “No structure or development within the subdivision may begin until Final approval of the plat by Atascosa County Commissioners Court and recording of the approved plat by the County Clerk.”

6.8 Standard for Approval.

Commissioners Court shall approve a Final Plat if it satisfies each of the Requirements set forth in Article VI through X unless the approval would be contrary to the safe, orderly, moral, or healthful development in the County.

6.9 Requirements for County Maintained Streets.

Concurrently with the filing of an application for Final Plan approval, an applicant seeking to construct streets or drainage improvements that will be accepted by the County for maintenance, shall submit the following:

6.9.1 Construction Plans for all street and drainage improvements within the subdivision and signage plans for all streets; and

6.9.2 A certification under the seal of a Professional Engineer that the construction plans and pavement designs are in compliance with these Regulations; and

6.9.3 The anticipated cost, per linear foot, of each street; and

6.9.4 The total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the subdivision.

6.10 Additional Requirements for Streets to be Maintained by a Property Owners Association.

In addition to the requirements of Section 7.3, concurrently with the filing of an application for Final Plat approval for a subdivision in which streets are to be maintained by a Property Owner Association, the Applicant shall submit a copy of covenants creating the homeowner association and providing for assessment and collection of fees from all homeowners to provide for maintenance of streets, drainage, and common areas in the subdivision application package.

6.11 Final Plat. The Applicant shall present a Final Plat meeting the requirements of these Regulations to Commissioners Court for final approval and delivery to the County Judge for execution. The Final Plat shall contain, or be submitted with, the following:

6.11.1 All revisions necessary to comply with any conditions of approval of the Final Plan stipulated by Rural Development; and

6.11.2 Any Water Pollution Abatement Plan approved by the Texas Commission On Environmental Quality, if the property lies within the Edwards Aquifer Recharge Zone, or evidence that none is required as of the date of the Final Plat (Commissioners Court may require a letter from the TCEQ evidencing that no water pollution abatement plan has been issued or is yet required for the division); and

6.11.3 All items required in Section 3.4 above, including filing fees and tax certifications; and

6.11.4 By submitting a Final Plat, the Owner acknowledges that he or she is aware of and will comply with all Orders of Atascosa County regarding construction and development in effect at the time the Subdivision application was deemed complete, including:

6.11.4.1 Order regulating the access of private construction vehicle from construction sites onto publicly maintained roadways, requiring the Owner to take certain steps to limit and clean all mud or other debris carried onto the public roadways by such construction vehicles, and imposing fines for non-compliance; and

6.11.4.2 Order requiring all construction within County right-of-way including driveways, drainage improvements, and the cutting of any existing roads for installation of utilities to be inspected prior to completion, prohibiting cutting of certain roadways within three (3) years of construction thereof, and imposing fines for non-compliance; and

6.11.4.3 Order concerning construction standards for mailboxes installed within the right-of-way of streets and highways, and requiring all such mailboxes to be made of collapsible materials, as defined by Atascosa County or TXDOT.

ARTICLE VII

7. STREET DESIGN AND CONSTRUCTION.

7.1 Permitted Streets.

All streets, whether public streets maintained by the County or private streets maintained by a property owners association, shall be constructed in accordance with these Regulations including the most current Atascosa County street standards (See Tables 1 & 2). Streets are divided into two categories: public or private, with two subcategories each, as follows:

7.1.1 Public Streets, dedicated to and accepted by the County.

7.1.1.1 Paved and Maintained by the County.

All streets dedicated to the County must be paved, unless the subdivision meets the minimum lot size provision discussed below (Section 7.1.1.2).

7.1.2 Private streets, owned and maintained by a property owners association.

7.1.2.1 Private streets, paved. All private streets shall be paved and built to Atascosa County requirements.

Note that driveways and easements, though they may in certain cases serve more than one home, are not classified as “streets.” Also note that easements and driveways need County approval to serve multiple Lots or tracts; the County, using these rules as a basis, shall determine what constitutes a street.

7.2 Dedication to Public.

Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right-of-way easement in the property to the county for public use. No dedication shall be effective until the Final Plat is recorded. However, County acceptance for maintenance of street and drainage improvements within the dedicated right-of-way requires separate action, evidenced by written acceptance signed by a Designated Agent of the Commissioners Court.

7.3 Design of Public Streets.

All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets, and to permit continuity of improvements to adjacent properties.

7.3.1 Design Criteria and Construction Standards for Streets. The classification and construction standards for all streets shall be determined according to the Average Daily Traffic anticipated of the streets. All calculations of ADT shall be based on the maximum number of Lots that may be permitted in the subdivision in accordance with Article IX, unless the number of Lots is limited by approved plat note, in which case ADT shall be calculated based on the maximum number of Lots permitted under such plat note.

7.3.2 Street Continuity. Consistent with the objective of Sec. 1.4.13 to provide an interconnected network of streets throughout the county, subdivision planning and design shall provide for reasonable connection of streets to adjoining subdivisions or undeveloped tracts.

7.3.2.1 When the Atascosa County Road Plan shows a street within a tract proposed for a subdivision, the street shall be aligned in general conformance with the Road Plan, shall have a right-of-way and pavement width consistent with the Road Plan classification of the street, and shall be continuous within the subdivision.

7.3.2.2 Where there is a discrepancy between the Road Plan alignment of a street and an existing or platted streets within an adjoining tract or subdivision, the Commissioners Court shall determine which street the subdivider's street shall connect to.

7.3.2.3 Required connection to existing streets. A street stub is required to provide an interconnection between adjoining developments. A street stub in an improved street extended to a dead-end at the boundary of an adjoining unplatted tract or undeveloped tract. If the length of a street stub is no greater than the depth of the two adjoining Lots and those Lots have access to an intersecting street, a street stub is not required to include a cul-de-sac or other provision for vehicle turnaround. A street stub shall be clearly marked with a "No Outlet" sign placed by the developer in accordance with the Atascosa County Road Standards.

7.3.2.3.1 Where existing street stubs adjoin the boundary of a proposed subdivision, the subdivision streets shall connect to these street stubs.

7.3.2.4 Spacing of street extensions to unplatted tracts.

7.3.2.4.1 Where a proposed subdivision adjoins an unplatted tract, the subdivision shall provide a reserve strip for future street stubs to the boundary at no less than every one-half mile. The intention of the reserve strip is to set aside land to be dedicated for a street stub to connect to a nearby street in an adjoining tract. This reserve strip may be abandoned and replatted if the owner can demonstrate that a stub street will not be needed. Distance between street stubs shall be measured between their right-of-way boundaries.

7.3.2.4.2 The Commissioners Court may grant a variance from the street stub spacing requirement of this article where it finds the extension of a street stub is not practical due to topographic features; drainage features; bridge or culvert requirements; difference in land use, lot widths or lot sizes between adjoining subdivisions; or other justification presented by the Applicant and cited by the Court.

7.4 Street Boundaries.

The fronting boundary lines of all Lots shall be contiguous with the boundary of the adjoining public street right-of-way.

7.5 Privately Maintained Paved Streets.

All private streets shall be designed and constructed in accordance with the standards specified in Tables 1 and 2.

7.5.1 Concurrently with the filing of an application for Final Plan approval, an applicant seeking to construct streets or drainage improvements that will NOT be accepted by the County for maintenance shall submit the following:

7.5.1.1 Construction Plans for all street and drainage improvements within the subdivision and signage plans for all streets; and

7.5.1.2 A certification under the seal of a Professional Engineer that the construction plans and pavement designs are in compliance with these Regulations; and

7.5.1.3 The anticipated cost, per linear foot, of each street; and

7.5.1.4 The total estimated length of the streets.

7.5.2 Private streets shall be permitted only within a Subdivision satisfying each of the following criteria:

7.5.2.1 The following note shall be conspicuously displayed on the Plat:
“Owner, by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Atascosa County shall have no obligation to repair or accept maintenance of the roads shown on this subdivision unit, unless Owner or the Property Owners Association has improved the roadways to the current standards required by Atascosa County, and the roads have been accepted by maintenance by formal, written action of the County Commissioners Court, and the roadway with all required right-of-way, has been dedicated by the Owners thereof, and accepted by the County. Owners of the property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision.”

7.5.2.2 Restrictive covenants establishing a Property Owners Association, shall be placed on record concurrently with the recording of the Final Plat.

7.6 Permit Required for Construction in Right-of-Way.

No driveway or utility construction, or any other encroachment into public right-of-way or easements shall be allowed without first obtaining approval from the Precinct Commissioner or his or her designated agent.

7.7 Cul-de-sacs.

Cul-de-sacs shall provide a paved turnaround having a slope not greater than six percent (6%) and a minimum radius according to Table 1 or 2.

7.8 Fiscal Surety.

The Final Plat shall be accompanied by the following:

7.8.1 In the event that a Subdivider desires to file a Final Plat prior to the completion of all streets within the subdivision, the Subdivider shall provide Atascosa County with an appropriate construction bond or financial security to assure the county that all roads and streets within the subdivision will be constructed in accordance with these regulations. Financial security must be arranged in one of the following ways:

7.8.1.1 A Construction Bond filed by the Subdivider payable to Atascosa County in the amount of 100% of the cost of construction. The bond must be a surety bond provided by a surety company licensed to conduct business within the State of Texas; or

7.8.1.2 The Subdivider may escrow funds to include certificates of deposit or other financial instruments as may be deemed satisfactory by the Commissioners court and in the amount of the total cost of construction.

CURRENT

ARTICLE VIII

8. LOT AND BLOCK STANDARDS.

8.1 Blocks.

Reserved. (However, see Section 8.3.2, Street Continuity, as it can affect street and block layout.)

8.2 OSSF Rules.

The area of each Lot must be sufficient to comply with the Atascosa County Rules for On-Site Sewage Facilities as applicable.

8.3 Minimum Lot Size.

The Lot size (area) of each subdivision shall be not less than the minimum stated in the following table, based on whether a public water system and collective sewer service are provided to every Lot:

<u>Lot Sizing</u>	<u>Minimum lot area</u>
Without public water and public sewer	2.5 acres
With either public water or public sewer	30,000 sq. ft
With public water and public sewer	No minimum; must meet minimum lot frontage
High Density	See Section 8.4

8.4 High Density Development-Townhouse/Garden Home/Condominium/Apartment Subdivision.

High Density Development subdivisions shall be approved only when both a state approved central water system and a county and state approved sewage disposal system will be available to each lot and such residential development does not overly burden existing and proposed infrastructure, including proposed streets and other public facilities. High density subdivisions shall comply with the following regulations and all other subdivision regulations of the County that are not in conflict with the following regulations.

8.4.1 Townhouse Subdivisions.

8.4.1.1 Only one single-family residential townhouse shall be constructed on each lot in a Townhouse subdivision

8.4.1.2 Minimum front building setback lines shall be a minimum of twenty (20) feet.

8.4.1.3 Side setback line is not required for interior lots. Corner lots shall have a minimum of fifteen (15) foot setback line adjacent to the street.

8.4.1.4 Rear minimum building setback line shall be a minimum of ten (10) feet.

8.4.1.5 Width of lot. Interior lots shall have a minimum width of twenty-five (25) feet. Corner lots shall have a minimum width of thirty-five (35) feet.

8.4.1.6 Lot area shall have a minimum of 2,500 square feet.

8.4.1.7 Off Street Parking. There shall be at least two (2) off-street parking spaces for each 1,250 square foot lot.

8.4.2 Garden Home Subdivisions.

8.4.2.1 Only one single-family residential Garden Home shall be constructed on each lot.

8.4.2.2 There shall be no side building set-back line required on one side of the lot and minimum of five (5) feet set-back on the opposite side of the lot.

8.4.2.3 Easement. This easement shall be appurtenant to the adjoining lot but not exclusive to, and only for the purpose of maintaining the wall that is built directly on the property line of the adjacent lot.

8.4.2.4 Corner lots shall provide a minimum building set-back line of fifteen (15) feet on the side adjacent to the street.

8.4.2.5 Rear minimum building set-back line shall be ten (10) feet.

8.4.2.6 The minimum width of a lot shall be forty (40) feet.

8.4.2.7 Each lot in a Garden Home subdivision shall contain a lot area of not less than four thousand (4,000) square feet.

8.4.2.8 There shall be a minimum of two (2) off-street parking spaces for each Garden Home in the subdivision.

8.4.3 Condominiums.

8.4.3.1 Condominiums shall be treated as high density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements)

8.4.3.2 Condominiums shall be approved over non-Edwards Aquifer Recharge Zone areas only when both state approved sewage disposal

system is available and does not overly burden existing and proposed streets and other public facilities.

8.4.3.3 Only one condominium regime shall be established per lot or tract as recorded by the Master Deed and Declaration as found in the Real Property Records of Atascosa County.

8.4.4 Apartments.

8.4.4.1 Apartments shall be treated as high-density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements).

8.4.4.2 Apartments shall be approved under these Rules only when both state approved central water system and a county and state approved sewage disposal system is available and does not overly burden existing and proposed streets and other public facilities.

8.4.4.3 There shall be no more than 20 apartment units per acre.

8.4.4.4 Only one apartment project shall be established per lot or tract.

8.5 Flag Lots.

Flag lots shall generally not be permitted, except 1) where 60 feet of lot frontage on a public ROW or 2) with public access where flag pole is not less than 60 feet in width or 3) if approved by Commissioners Court as consistent with the intent and spirit of these regulations. The Commissioner shall advise Commissioners Court if a proposed Lot constitutes a "Flag Lot", and Commissioners Court shall, in reviewing all the circumstances, make the final determination. In no event shall any private Lot extend into a dedicated public roadway.

8.6 Slope.

Each residential Lot should include a practical buildable area having at least three thousand (3,000) square feet, exclusive of the area required for on-site sewage facilities, and a slope of less than 15%.

ARTICLE IX

9. ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS.

9.1 Owner's Maintenance Responsibility.

The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. Commissioners Court decision to approve a Final Plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

9.2 County Acceptance of Maintenance.

The county shall accept a road or street for maintenance when the following conditions have been satisfied:

9.2.1 The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Final Plat for the Road or street has been recorded and the associated right-of-way has been dedicated to the public pursuant to these Regulations; and

9.2.2 The Owner has submitted a written request to Commissioners Court. If the owner is no longer available, i.e. has ceased to transact any business, or in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request; and

9.2.3 The Precinct Commissioner has performed and approved all required inspections at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the Precinct Commissioner and not to proceed with construction until proper inspections and tests have been obtained, as required by the Precinct Commissioner.) Any laboratory tests and test hold shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been approved in writing by the Precinct Commissioner; and

9.2.4 The Precinct Commissioner has inspected the street no earlier than thirty (30) days prior to Commissioner Court acceptance of the maintenance obligation and has submitted to Commissioners Court and Inspection Report stating that:

9.2.4.1 The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of the inspection; and

9.2.4.2 The requirements of Section 11.4 below, regarding construction of drainage structures and driveway drain pipes, have been satisfied; and
9.2.4.3 The Precinct Commissioner recommends acceptance of the street by Commissioners Court.

9.2.5 One of the following has occurred:

9.2.5.1 The Owner has posted with the Department cash, bond or a letter of credit in a form approved by Commissioners Court (a "Maintenance Bond") to secure the proper construction and maintenance of the Roads prior to County acceptance thereof in an amount equal to twenty percent (20%) of the construction costs of the streets for a term of two (2) years following acceptance by the county. Before release of the Maintenance Bond or Letter of Credit, the Precinct Commissioner shall again inspect the roads or streets, and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond or Letter of Credit. If the deficiencies are not promptly remedied, the county shall make the repairs and draw on the Maintenance Bond or Letter of Credit for payment. Note: A Maintenance Bond must be posted regardless of the date the streets or roads are accepted by the county, for all streets or roads completed prior to the recording of the Final Plat.

9.2.6 County Acceptance of Streets Constructed as Private Streets. The Commissioners Court shall not accept for County maintenance any street constructed as a private street unless the street and associated drainage improvements are upgraded as necessary to comply with current standards of these Regulations.

9.2.6.1 Right-of-Way. If the street right-of-way is not dedicated to public use by a plat of record or deed instrument(s) satisfactory to the Commissioners Court, the Commissioners Court may require that the owner(s) petitioning for County acceptance execute a right-of-way deed(s) to the County. Petitioners should coordinate with the County Commissioner ensure that right-of-way is sufficient for any modification, reconstruction or realignment of street or drainage improvements required for the improvements to conform to these Regulations.

9.2.6.2 Design, Testing, and Inspections. Petitioners should coordinate with the Precinct Commissioner regarding the nature and extent of reconstruction, repair, upgrade, modification or realignment of existing

street and drainage improvements necessary to bring them into conformance with these Regulations. The Commissioners Court may require such testing and inspection of existing improvements as the Court deems necessary, and may require that construction plans for necessary modifications be prepared by a licensed engineer at the petitioners' expense.

9.2.6.3 Procedure. The procedures and requirements of Sections 10.2.2 through 10.2.5 shall apply, provided that in case of conflicting requirements the requirements of this Section 10.2.6 shall govern.

9.3 Installation of Utility Lines.

All utility lines planned to be constructed under paved streets shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four (4) feet beyond the pavement and must be approved in advance by the Precinct Commissioner, unless otherwise approved by Commissioners court.

ARTICLE X

10. WATER AND WASTEWATER SYSTEMS.

10.1 Water.

10.1.1 Design and Construction. Public water supply shall be designed and constructed in accordance with the rules of the TCEQ.

10.2 Wastewater.

10.2.1 Design and Construction. Wastewater collection systems shall be designed and constructed in accordance with the rules of the TCEQ.

10.2.2 Compliance with the On-Site Sewage Rules. All Lots must be designed in compliance with the County Rules for On-Site Sewage Facilities.

10.3 Water Availability.

10.3.1 The Atascosa County Commissioners Court makes no representation or warranty, either express or implied, that subdivisions that comply with these water availability regulations will meet the current and/or future water needs of purchasers of property within the subdivision.

10.3.2 Applicability. These Water Availability Regulations apply to all applications for approval of a plat for a Subdivision wholly or partially within Atascosa County, Texas pursuant to the Atascosa County Subdivision Rules, except as exempted hereafter.

10.3.3 Exceptions to Water Availability Regulations.

10.3.3.1 Subdivision of property where platting is not required by the Atascosa County Subdivision Rules;

10.3.3.2 Subdivision of property in which all Lots are 25 acres or greater.

10.3.4 Water Availability data shall be presented to the Commissioners Court upon submission of the Preliminary Plan. Atascosa County shall have the Water Availability data reviewed by a qualified expert on behalf of Atascosa County.

10.4 Requirements For Subdivisions To Be Served By Private Water Wells.

The Final Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be private water wells shall include Water Availability data derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of Test-Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these regulations.

10.4.1 The following Water Availability data is required:

10.4.1.1 Map of the proposed subdivision prepared by a qualified expert identifying:

10.4.1.1.1 Geological formations;

10.4.1.1.2 Location of test and monitor wells by longitude and latitude.

10.4.1.1.3 Available data on wells within one thousand (1,000) feet of the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in files of the Texas Water Development Board or TCEQ or otherwise known to the qualified expert.

10.4.1.2 The static water level to the nearest one tenth (0.1) foot, equated to the mean sea level elevation.

10.4.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to an acidization or other flow capacity treatment of the well. The duration of the pump test shall be twenty-four (24) consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two (2) hours.

10.4.1.4 Statement by a qualified expert, based on the pump test.

10.4.1.4.1 Estimated yield of wells proposed for the subdivision.

10.4.1.4.2 Determination of transmissivity of the water-bearing formation or strata from which the ground water will be withdrawn;

10.4.1.5 Certification by a registered professional engineer that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision of full build-out based on number of connections, using the formula for minimum gallons per year to be supplied to the subdivision:

Minimum gallons per year = Number of connections x 3.5 x 100 x 365 days

10.4.2 The following statement shall appear on the Final Plat for the approved subdivision: "This subdivision will be served by individual, privately owned groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of Lots in the is subdivision is in the office of the County Clerk of Atascosa County, Texas."

10.4.3 For any existing or proposed private water well which is subject to permitting or pumping restrictions by a governmental subdivision, the Applicant shall submit proof that pumping of groundwater at the specified rate complies with applicable regulations and/or permits.

10.5 Requirements For Subdivision To Be Served By A Proposed New Public Water System.

10.5.1 The Final Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be a proposed new Public Water Supply System relying wholly or partially on groundwater or surface water shall include Water Availability data on these respective sources.

For Groundwater sources, this water availability data shall be derived from a minimum two wells (one test well and one monitor well). There shall be one (1) set of Test Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations. Groundwater Availability Data shall include:

10.5.1.1 Map of the proposed subdivision prepared by a qualified expert identifying:

10.5.1.1.1 Geological information

10.5.1.1.2 Location of test and monitor wells by longitude and latitude

10.5.1.1.3 Available data on wells within one thousand (1,000) feet the boundaries of the proposed subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development

Board or TCEQ or otherwise known to the qualified expert.

10.5.1.2 The static water level to the nearest tenth (0.1) foot, equated to the mean sea level elevation.

10.5.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by TWDB or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be twenty four (24) consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two (2) hours.

10.5.1.4 Statement by a qualified expert, based on the pump test:

10.5.1.4.1 Estimated yield of wells proposed for the subdivision

10.5.1.4.2 Determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;

10.5.2 For Surface Water sources, water availability data shall include:

10.5.2.1 Identification of the source(s) of surface water (name of stream or impoundment) and proof that withdrawal or diversion of surface water complies with state and federal laws.

10.5.2.2 Identification of any wholesale water provider to the system, the date of wholesale water supply contract(s) and the maximum quantity of water per year that is committed by the wholesale supplier to the public water supply system.

10.5.2.3 A description of interconnection(s) with other public water supply system(s) and the terms under which water will be provided by either system to the other.

10.5.2.4 For proposed new public water supply system, certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

10.5.3 The following statement shall appear on the Final Plat for an approved subdivision:

“This subdivision will be served by [Name of New Public Water Supply System, and mailing address]. Information on the [Name of New Public Water Supply System] is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Atascosa County, Texas.”

10.6 Requirements For Subdivisions To Be Served By An Existing Public Water Supply System.

The Final Plan submittal to the Commissioners Court for a proposed subdivision whose water supply will be an existing Public Water Supply System relying wholly or partially on groundwater or surface water shall include certification in writing by the president or general manager of the public water supply system of the following:

10.6.1 General System Information.

10.6.1.1 Name, address phone number, authorized agent and TCEQ facility number.

10.6.1.2 Map of the service area of the Public Water Supply System, showing the location of the proposed subdivision.

10.6.1.3 Certification that an adequate supply of water of sufficient quantity and quality exists to supply the subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 TAC, Chapter 291.

10.6.2 The following statement shall appear on the Final Plan for an approved subdivision:

“This subdivision will be served by [Name and address of Public Water Supply System]. Information on the [Name of Public Water Supply System] is available to prospective purchasers of lots in the office of the County Clerk of Atascosa County, Texas and be stated in the deed restrictions.”

ARTICLE XI

11. DRAINAGE DESIGN AND IMPROVEMENTS.

11.1 Stormwater Runoff into County Drainage Facilities.

Stormwater runoff from any Development may not be released into any county drainage ditch, swale, easement, culvert or other facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. The Precinct Commissioner may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with this Section.

11.1.1 Incentive for Lots Larger than five (5) acres. If all Lots in a subdivision are larger than five (5) acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II), then such subdivision shall be deemed to be in compliance with this Section 12.1 and no additional materials need to be submitted to demonstrate compliance to the County Commissioner.

11.2 Sizing of Drainage Facilities.

All drainage facilities for residential (single family or duplex residences) subdivisions including ditches, drainage pipes, street curbs, gutter inlets driveway or road culverts, and storm sewers shall be designed to intercept and transport runoff from the following frequency storm.

11.2.1 Drainage Facilities for Other Subdivisions. For all drainage facilities serving Lots not intended for use as single family or duplex development, drainage and all drainage facilities shall be designed by a Registered Professional Engineer according to twenty-five (25) year storm event calculations.

11.3 Conveyance of 100-year Storm Frequency Flows.

In addition to 11.2 above, the drainage system shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined right-of-way or drainage easements, which shall no be narrower than 20' (twenty feet) in width.

11.4 Completion of Drainage System Prior to Acceptance of Road Maintenance.

No streets will be accepted for maintenance by the County until all roadway drainage structures, excluding drainpipes for driveways, are constructed as of the acceptance

date and have been (i) installed by the Owner or occupant(s) of the Lot(s), and (ii) inspected and approved by the Precinct Commissioner or his/her designated agent.

11.5 Maximum Headwater Elevation for Drainage Crossings.

All roads, culverts, underneath roads, and bridges shall be designed so that stormwater runoff from the frequency storm event designated below crossing such road or bridge shall not produce a headwater elevation at the roadway greater than six (6) inches above the roadway crown elevation.

11.5.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the road surface. Commissioners Court may require installation of gates or warning devices at all or some such locations; and

11.5.2 All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to flowing over the road or street; and

11.5.3 This Section 11.5 does not apply to driveway culverts.

11.6 Drainage Design Methodology.

Computations by a registered professional engineer to support all drainage designs shall be submitted to the Department for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

11.6.1 All computations of floodplains, culverts, channels, etc., shall be based on fully developed upstream conditions; and

11.6.2 A drainage area of sixty-four (64) acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than sixty-four (64) acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedicated of a drainage easement.

11.7 Easements.

11.7.1 All flood plain and concentrated flows for the 100-year storm frequency shall be contained within a dedicated easement or right-of-way; and

11.7.2 Development will be allowed within the flood plain or within a drainage easement only on a case-by-case basis, and in any event any structures constructed within the flood plain must be above the base flood elevation. No development whatsoever will be permitted in the floodway.

ARTICLE XII

12. REVISION (RESUBDIVISION) AND CANCELLATION.

12.1 Revision.

For purposes of this section, any subdivision platted prior to January 1, 1975, shall not be considered a plat and a replat of such a subdivision shall be considered an original plat. The Owner of an existing Lot or Lots in a subdivision that was platted on or after January 1, 1975 may submit an application to revise the protection of the existing plat affecting such Lots, unless prohibited by restrictive covenants or plat note files pursuant to these Regulations, by submitting the following to the Office of Rural Development:

12.1.1 Two (2) full-size (24"x36") copies and one (1) digital copy (up to eight (8) additional half-size copies may be requested) of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or if submitted by a private property owner who is not a developer in the subdivision, other materials acceptable to the Precinct Commissioner clearly setting forth the desired amendment; and

12.1.2 A statement giving the reason for the proposed revision; and

12.1.3 A filing fee equal to one hundred dollars (\$100) per affected lot, five hundred dollars (\$500) minimum, per the Atascosa County Subdivision Fee Schedule.

12.2 Review Period.

Commissioners Court shall have the review period established in Section 3.7 and 3.8 above.

12.3 Public Notice.

After the date the revision or resubdivision is posted for consideration by Commissioners Court, but before the application is considered by the Court, the applicant shall file proof that the Owner, at its expense, has delivered or published all notices required by Local Government Code, Section 232.009, including:

12.3.1 A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the revision/resubdivision, including a statement of the time and place at which Commissioners Court, will meet to consider the application and hear protests, if any. As required by Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the 30th day and ending on the 7th day prior to the date of the Commissioners Court hearing; and

12.3.2 Delivery of notice of the application to all owners within the original subdivision by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

12.4 Criteria for Approval.

Commissioners Court may approve an application to revise a subdivision upon a finding that:

12.4.1 The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered with has agreed to and signed the revised plat; and

12.4.2 The plat as revised conforms to the requirements of the regulations.

12.5 Cancellation.

An application to cancel an existing plat shall be submitted and considered in accordance with Article 232.008 of the Texas Local Government Code, which establishes, among other things:

12.5.1 The application shall be granted if it is shown that the cancellation of all or a part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it shown that the purchaser agrees to cancellation; and

12.5.2 Notice of the application must be published in English in the county for at least three (3) weeks before action is taken on the application; and

12.5.3 Upon application of the Owners of 75 percent (75%) of the property included in the subdivision, phase or identifiable part, Commissioners Court shall authorize the cancellation upon notice and hearing is required under Local Government Code, Article 232.008, provided that if the Owners of at least 10 percent (10%) of the property affected file written objections with Commissioners Court, the grant of an order of cancellation is at the discretion of Commissioners Court; and

12.5.4 Establishing a certain private action for damages against the applicant for persons who protest unsuccessfully against a cancellation application.

In the event of any conflict or inconsistency between the summaries set forth above the actual terms of Article 232.008 of the Local Government Code, as amended, the terms of the Local Government Code shall control all respects.

ARTICLE XIII

13. MANUFACTURED HOME RENTAL COMMUNITES (MHRC)/RV PARKS.

13.1 General Requirements.

In order to protect the public health, safety and welfare, and to provide for orderly and healthful development and infrastructure in Atascosa County, the Commissioners Court of Atascosa County finds that the following rules are necessary for the regulation of Manufactured Home Rental Communities (MHRC)/RV Parks within Atascosa County, as provided for in the Texas Local Government Code, Chapters 231, 232, and 234.

13.2 Approval Required Prior to Construction.

Community (MHRC/RV Park) may not begin before a Development Authorization Order has been issued by Atascosa County. These regulations apply to a Manufactured Home Rental Community (MHRC)/RV Park for which construction is commenced on or after the effective date of these Regulations. Development Authorization for Manufactured Home Rental Communities (MHRC)/RV Park shall be issued in the form of a Development Authorization Order from Commissioners Court.

13.3 Approval Required Prior to Furnishing Utility Service.

A utility may not provide utility services, including water, sewer, gas, and electric services to a Manufactured Home Rental Community(MHRC)/RV Park that is subject to a Development Authorization Order until the Development Authorization Order is issued by the County.

13.4 Exempted Manufactured Home Rental Communities (MHRC)/RV Parks. The following Manufactured Home Rental Communities (MHRC)/RV Parks are exempted from the requirements of this Chapter, except for the requirement to register, as outlined below:

13.4.1 Manufactured Home Rental Communities (MHRC)/RV Parks consisting of five (5) or fewer spaces or lots each of which is occupied by an individual who is related to the owner of the Manufactured Home Rental Community (MHRC)/RV Park within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any space or lot is subsequently offered for rent or lease to the public or is occupied by persons at least one of which is not related to owner within the third degree by consanguinity or affinity, the requirements of Chapter apply; or

13.4.2 Manufactured Home Rental Communities (MHRC)/RV Parks consisting entirely of individual lots or spaces which are ten (10) acres or larger.

13.4.3 Exempted Manufactured Home Rental Communities (MHRC)/RV Parks must have direct access to a public roadway or, if in the opinion of the Commissioners Court access for emergency vehicles and school buses is deemed sufficient, then the direct access requirement may be waived.

13.5 Registration for Exemption.

All exempt Manufactured Home Rental Communities (MHRC)/RV Parks shall register with and submit the following to the County:

13.5.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto;

13.5.2 A survey of sketch (which may be on tax parcel maps or other form approved by the Department) showing the boundaries of the spaces or lots, adjacent roads and adjacent property owners;

13.5.3 An executed registration Application in the form promulgated by the Department; and

13.5.4 An affidavit stating that the owner of the Manufactured Home Rental Community (MHRC)/RV Park acknowledges that any change in the exemption status may make the Manufactured Home Rental Community (MHRC)/RV Park subject to this Chapter.

13.6 Acknowledge of Registration of Exemption.

Upon the receipt of a Registration for an Exempt Manufactured Home Rental Community (MHRC)/RV Park, the Department shall issue a written acknowledgement to the person filing the registration. This written acknowledgement shall reference the acknowledgements made on the registration form and the affidavit required under 745.2.02(D), and shall indicate that any changes in the exemption status may make the Manufactured Home Rental Community (MHRC)/RV Park subject to this Chapter.

13.7 General Requirements and Application Procedures.

Applications to the Commissioners Court for approval of a Manufactured Home Rental Community (MHRC)/RV Park pursuant to these Regulations are subject to the general requirements and Application procedures set for subdivision drainage and road standards in the Atascosa County Subdivision and Development Regulations.

13.8 Fees.

Fees for Applications for Manufactured Home Rental Communities (MHRC)/RV Parks shall be based on the number of lots or rental spaces and shall be as established by the Commissioners Court. Application Fees may include a minimum review fee in addition to the fee per lot or rental space.

13.9 Application Information.

13.9.1 In addition to the items required to be submitted in accordance with this Regulation all applications and fees for approval of a Manufactured Home Rental Community (MHRC)/RV Park, including amendments or supplemental materials, shall be submitted as required in Article III to the office of Rural Development and shall also include the name of the proposed Manufactured Home Rental Community (MHRC)/RV Park.

13.10 Communication with Precinct Commissioner.

The Applicant or the Applicant's authorized agent is required to contact the Director of Rural Development or the Commissioner in whose precinct the proposed Manufactured Home Rental Community (MHRC)/RV Park is located prior to the submission of the Application.

13.11 Supplemental Information.

In addition to the items required to be submitted with the Application in accordance with Article III, each application for a Manufactured Home Rental Community (MHRC)/RV Park shall be supplemented with the following information:

13.11.1 A copy of the deed or deeds documenting current ownership of the Subject Property.

13.11.2 A boundary survey of the proposed Manufactured Home Rental Community (MHRC)/RV Park, prepared by a Texas licensed professional land surveyor, which identifies the proposed location of all rental spaces, utility easements, drainage easements and floodplain boundaries.

13.11.3 An Infrastructure Development Plan, prepared by a Texas licensed professional engineer, that details the following information:

13.11.3.1 Existing and proposed public and private roadways, including those designed for general egress/ingress and those designated for emergency access.

13.11.3.2 The means for providing water and wastewater service to the development, including a demonstration of availability for both services

13.11.3.3 A storm water management plan prepared in accordance with Article XII

13.11.3.4 All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit as requested by the County.

13.12 Internal Roadways and Storm Water Management Facilities.

13.12.1 All internal roadways and associated storm water management facilities shall be designed and constructed to minimum standards that are reasonably necessary to permit ingress and egress access by fire and emergency vehicles as designed by a Texas licensed professional engineer. The drainage facilities shall not be required to exceed the standards and specifications for subdivisions, as set forth in Article XII of these Regulations.

13.12.2 Communities Served by On-Site Sewage Facilities

All developments to be served by On-Site Sewage Facilities shall comply with the TCEQ Regulations (specifically 30 TAC §285.4, "Facility Planning" and 30 TAC §285.5, "Submittal Requirements for Planning Materials") and Article XI of these Regulations.

13.13 Requirements Prior to Occupancy.

The County shall inspect all roadways and associated storm water management structures for compliance with these minimum standards. Tenants may not occupy rental spaces until all construction requirements of the infrastructure plan have been approved and completed.

13.14 Notice Required.

13.14.1 All Applications seeking approval from the County for a Manufactured Home Rental Community (MHRC)/RV Park shall be required to notify the public using posted notice and written notice.

13.14.2 Posted Notice shall contain the following text:

"An application has been filed with ATASCOSA COUNTY to develop a manufactured home rental community on this property. Information regarding the application be contained from the Atascosa County Rural Development office.

13.14.3 Written Notice. The Applicant shall be required to notify affected political subdivisions and property owners within two hundred (200) feet of the Subject Property upon submission of any application to the County. The notice must include, at the minimum, the following information:

13.14.3.1 The maximum number of rental units to be located at the subject property;

13.14.3.2 The anticipated timetable for initial construction and any anticipated subsequent phases of development, including an estimated population for each phase and at full buildout; and

13.14.3.3 A statement of how water, wastewater, emergency service, and electric service will be provided, including identification of all such proposed utility providers.

CURRENT

ARTICLE XIV

14. VARIANCES.

14.1 Criteria for Variance.

Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the Rules. Factors to be considered by the Court in evaluating a request for variance shall include:

14.1.1 The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted; and

14.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development; and

14.1.3 That the granting of the variance will not be detrimental to the public health, safety and welfare, will not retard the moral, healthful and orderly development of the county, be injurious to the other property, and will not prevent the orderly subdivision of the land in the area in accordance with these Regulations.

14.1.4 Whether there are special circumstances or conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the applicant off the reasonable use of his or her land so that failure to approve the variance would result in undue hardship to the applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.

14.2 Application for Variances.

Any person who wishes to receive a variance should apply to Commissioners Court by filing a Non-Standard Plat/Variance Application, including a detailed justification, for each variance requested to Rural Development. The request shall be submitted with payment of a non-refundable fee (see fee schedule for application fee).

14.3 Discretion to Grant Variances.

The decision of the Commissioners Court to grant or deny a variance is at its complete discretion, and will be final.

ARTICLE XV

15. ENFORCEMENT AND PENALTIES.

15.1 Category of Offense.

A person commits an offence if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations, the Rules of Atascosa County for On-Site Sewage Facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment, or both.

15.2 Enforcement Actions.

At the request of Commissioners Court, the County Attorney or other prosecuting attorney for the County may file an action in a Court of competent jurisdiction to:

15.2.1 Enjoin the violation of threatened violation of a requirement established by or adopted by Commissioners Court under these regulations; or

15.2.2 Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by Commissioners Court under these Regulations.

15.3 Enforcement of Plat Notes.

The enforcement of plat notes or restrictions is generally the responsibility of the persons holding a property interest, whether in fee simple, or by easement, in the subdivision. Plat Notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of Atascosa County for On-Site Sewage Facilities or Articles VI, VII, X or XI of Regulations, any plat note limiting development to single family residences or prohibiting further resubdivision of the tract in order to qualify for an incentive under these regulations, any plat note affecting county right-of-way, drainage or the public health, safety and welfare. Moreover, Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction, connection of utilities, or issuing of permits if the plat notes or restrictions have been violated.

15.4 Severability.

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgement unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, section, appendices or articles of these Regulations. It is the

express intent of the Commissioners Court that the sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

CURRENT

ATASCOSA COUNTY SUBDIVISION APPLICATION CHECKLIST

The following items **MUST BE** included as part of your application for subdivision development, in the order listed below:

- ☐ Electronic copy of proposed plat
- ☐ 911 Addressing Subdivision/Road Name Verification – as previously approved by Rural Development
- ☐ Copy of deed indicating ownership of property
- ☐ Resolution demonstrating authority to execute for any entity
- ☐ Letter from public water utility company or evidence of water availability for water wells
- ☐ Letter of eligibility from County Septic Inspector (when using septic systems)
- ☐ Letter from electric utility company
- ☐ Letter from TxDOT – *if applicable* ☐ N/A
- ☐ Letter from Emergency Services District (ESD) – *if applicable* ☐ N/A
- ☐ Draft of Construction Bond, Letter of Credit or Escrow Agreement
- ☐ Copy of Covenants and Restrictions for proposed subdivision
- ☐ Tax Certificates indicating all taxes are paid in full and current
- ☐ Copy of completed Floodplain application or signed and sealed statement by engineer of no flood plain on property
- ☐ Drainage Analysis to include all maps and calculations to support the study, per § 6.2.2.5 of the Atascosa County Subdivision Ordinance
- ☐ Downstream Impact Analysis
- ☐ Electronic copy of Drainage Analysis/Study

- ☐ Soil Evaluation of site for proposed subdivision
- ☐ Road Design and Construction Drawings
- ☐ Electronic copy of Road Design and Construction Drawings
- ☐ Driveway permit(s) and applicable fees
- ☐ Engineer certified culvert sizing per lot
- ☐ Environmental Site Report – *if applicable* ☐ N/A
- ☐ Fire Marshal certification letter regarding fire protection system
- ☐ Master Plan – *if applicable* ☐ N/A
- ☐ Copy of document establishing HOA/POA – *if applicable* ☐ N/A
- ☐ Subdivision Application Checklist
- ☐ Application for Subdivision Plat Consideration
- ☐ Additional Requirements to Ascertain Compliance
- ☐ Plat Physical Characteristics and Appearance
- ☐ 9-1-1 Addressing Road Name Verification
- ☐ Construction Costs Estimate Review and Acceptance, including cost breakdown and calculations – *if applicable* ☐ N/A
- ☐ Subdivision Application fee
- ☐ Development shapefiles

***** *Incomplete applications will not be accepted.* * * ***

ATASCOSA COUNTY APPLICATION FOR SUBDIVISION PLAT CONSIDERATION

Date Received: _____

Check #: _____

Receipt #: _____

Owner:

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Developer (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Contact Person (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Name of Proposed Subdivision: _____

Size and Location of Original Tract: _____

Name of Nearest Public Road/Street to Subdivision: _____

Commissioner Precinct No: _____ School District(s): _____

Water Service Provider: _____

Electric Utility Provider: _____

Engineer

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Surveyor

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

ADDITIONAL REQUIREMENTS TO ASCERTAIN COMPLIANCE FOR ATASCOSA CO.

(This attachment shall be completed in its entirety and submitted as part of the application)

The following checklist is for the use of a Developer in ascertaining initial compliance with the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Subdivision Coordinator in processing an application under the Rules. This list does not supersede or replace the Subdivision Rules, and each applicant must comply with the Subdivision Rules, as they are amended from time to time. The General Criteria established throughout this document establish minimum criteria. If the requested subdivision deviates in any substantive way from these criteria established herein, a variance is required. The variance request must be resolved prior to submission of the plat application. This completed list should be presented to the Atascosa County Subdivision Coordinator's Office with each preliminary plat. **Check the appropriate response.**

1. Is any part of the proposed subdivision in the extraterritorial jurisdiction (ETJ) of an incorporated municipality? ☐ YES ☐ NO ☐ N/A

If so:

a. Which city _____

b. Does the city control its own ETJ territory for platting? ☐ YES ☐ NO

c. If any part of the proposed subdivision is in the extraterritorial jurisdiction of an incorporated municipality, have you presented the plat to that municipality for approval?

☐ YES ☐ NO

2. Did you obtain approval from Commissioners Court for any variances from the platting requirements of Atascosa County? ☐ YES ☐ NO

a. If so, is a copy of the approval of the variance attached? ☐ YES ☐ NO

3. Will the roads, streets and alleys of the subdivision be dedicated to the public? ☐ YES
☐ NO ☐ N/A

4. Will the roads, streets and alleys remain private? ☐ YES ☐ NO ☐ N/A

a. If the roads, streets and alleys, and other common elements are to remain private, will title to them be transferred to a POA/HOA or other entity with the responsibility to maintain them? ☐ YES ☐ NO

b. Will a gate or other device to control access barricade the entrance to the subdivision? ☐ YES
☐ NO

c. If the subdivision is to be a controlled access (gated) community, have you provided for a siren-operated automatic gate opener, and a Lock Box and Emergency Response Key, and letters from EMS, Law Enforcement, and Fire Departments? ☐ YES ☐ NO

5. If the subdivision fronts a TxDOT controlled highway, have you provided a letter from TxDOT for highway access? ☐ YES ☐ NO ☐ N/A

6. Is detention utilized in the drainage study? ☐ YES ☐ NO ☐ N/A

If so, an HOA/POA is required. Have you provided a copy of the document forming the HOA/POA? ☐ YES ☐ NO ☐ N/A

7. Will a Home Owners Association be created? ☐ YES ☐ NO ☐ N/A

If so, is the appropriate statement regarding a Home Owners Association included on the plat? ☐ YES ☐ NO ☐ N/A

8. Will the proposed subdivision be served by: (check one)

☐ a. A public water system?

☐ b. Private water wells? If so, have you obtained the necessary evidence that potable water is available for each tract? ☐ YES ☐ NO ☐ N/A

9. Will the proposed subdivision be served by: (check one)

☐ a. On-Site Sewage Facilities (OSSF)? If so, have you attached the required site evaluations? ☐ YES ☐ NO ☐ N/A

☐ b. A municipal sewage disposal system?

☐ c. A quasi-municipal sewage disposal system?

☐ d. A central sewage disposal system?

If b, c, or d applies, have you included Drawings to include engineered plans for sewage installation?

☐ YES ☐ NO

10. If each lot is to be served by private water well AND OSSF, is each lot at least two and a half (2.5) acres?

☐ YES ☐ NO ☐ N/A

11. If each lot is to be served by a public water system and OSSF, is each lot at least 30,000 sq. ft.?

☐ YES ☐ NO ☐ N/A

12. Is the proposed development within an Emergency Services District (ESD)?

☐ YES ☐ NO

If so, have you provided a letter from the ESD indicating the proposed development will be in compliance with their rules and regulations? ☐ YES ☐ NO

PLAT PHYSICAL CHARACTERISTICS AND APPEARANCE FOR ATASCOSA COUNTY

All writing and drawings on the Record Plat must be large enough to be easily legible following recording, and legible at 50% photocopy reduction.

The following information must be indicated on the plat

- ☐ 1. Name of the proposed Subdivision
- ☐ 2. The original patented survey(s)
- ☐ 3. The number of acres in each survey with the abstract number of same
- ☐ 4. The volume and page of the current deed, as filed in the Official Public Records of Atascosa County, of the tract being subdivided. Include the description provided by the tax office as a separate note.
- ☐ 5. Boundary lines and total acreage of the Original Tract and the Subdivision
- ☐ 6. Total number of lots in the subdivision unit
- ☐ 7. A listing of lots and respective acreage within the proposed subdivision
- ☐ 8. Total acreage and dimensions of each lot. The area of each lot must be shown in acres to two (2) decimal places.
- ☐ 9. Location and acreage of any proposed parks, squares, greenbelts, schools, or other public use facilities, with identification of the entity proposed to own and maintain each.
- ☐ 10. Names of adjoining subdivisions or owners of property contiguous to the proposed Subdivision
- ☐ 11. Area map showing general location of Subdivision in relation to major roads, towns, cities, or topographic features
- ☐ 12. North arrow, scale, and date. The scale shall not exceed 1" = 200'.
- ☐ 13. GPS coordinates of at least two (2) corners of the subdivision
- ☐ 14. Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction (ETJ) of any city
- ☐ 15. Indicate the school district in which the Subdivision is located. *In the event any lot lies within more than one school district, then the plat shall clearly state the number of acres within the lot that lies within each school district.*
- ☐ 16. Indicate location of any existing structures (wells, cemeteries, etc.) in the subdivision on the plat.
- ☐ 17. Bearings and dimensions of the boundary of the Subdivision and all lots, parks, green belts, easements, or reserves. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.

- ☐ 18. A description of monument used to mark all boundary, lot and block corners, and all points of curvature and the tangent on street rights-of-way
- ☐ 19. Location of original survey line. The subdivision shall be located with respect to an original corner of the original survey of which it is a part.
- ☐ 20. Lot numbers are to be arranged in a systematic order and shown on the plat in distinct and legible figures.
- ☐ 21. Elevation contours of no greater than ten foot (10') intervals, or two foot (2') if applicable, shall be shown on the plat.
- ☐ 22. All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency, including distances from block corners to flood plain line.
- ☐ 23. For subdivisions containing 100-year floodplain, benchmarks and required finished floor elevations of each lot shall be shown in accordance with the Federal Emergency Management Agency.
- ☐ 24. If base flood elevations have not been established, they shall be established by a method satisfactory to the Atascosa County Flood Plain Order.
- ☐ 25. The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements, and the impact of lot and street layouts on drainage
- ☐ 26. Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission On Environmental Quality in CFR 30 Texas Administrative Code 213.3) and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all sensitive features in accordance with the terms of these regulations.
- ☐ 27. Total length of all streets, to the nearest one-hundredth of a foot (0.01') and a declaration indicating whether the Applicant shall seek County maintenance of the roads or approval of a homeowner's association for road maintenance or designation of roads as private roads
- ☐ 28. Total acreage of all streets, public or private
- ☐ 29. A designation of the classification of each road or street to be constructed or, for any existing street abutting the subdivision, the classification, pavement width, and right-of-way width of the street wherever it is adjacent to the subdivision
- ☐ 30. Total area of all rights-of-way to be dedicated to the public/POA/HOA
- ☐ 31. Location, length, and right-of-way widths of all proposed streets allocated by construction phases and depiction of how all proposed streets shall connect with previously dedicated, platted, or planned streets within the vicinity of the subdivision, see Article 7 in the Atascosa County Subdivision Regulations.
- ☐ 32. Required Paved Private Road note from § 7.5.2.1 in the Subdivision Ordinance, if applicable

- ☐ 33. Location, size, and proposed uses of all proposed access easements, or shared access driveways, if any
- ☐ 34. The following statement shall appear prominently on the Final Plat: "In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit has been approved by the Precinct Commissioner of Atascosa County or his or her designated representative, or Texas Department of Transportation for driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Atascosa County Road Standards or TXDOT Standards, as applicable
- ☐ 35. The location of all proposed utility easements and/or infrastructure, including water well sanitary easements and location of water storage tank and access easements, as well as any other infrastructure, if applicable
- ☐ 36. All required drainage easements shall be represented to scale on the final plat.
- ☐ 37. Dense lot requirements, if applicable.
- ☐ 38. Table indicating culvert sizing per lot.
- ☐ 39. Lots affected by Special Flood Hazard Area (SFHA) must be listed in the notes section.
- ☐ 40. Utility easement diagrams and plat notes
- ☐ 41. Name, address and signature of the Owner, and Developer or Applicant if not the Owner. (All names must be typed or printed directly under the executed signature.)
- ☐ 42. Name, address and signature of the Surveyor and Engineer. (All names must be typed or printed directly under the executed signature.)
- ☐ 43. The following statement shall appear on the Final Plat for the approved subdivision above the Owner's signature block: "The owner of the land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public, except areas identified as private, forever all streets, alleys, parks, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed. Additionally, the owners agree to extend public utilities listed on this plat adjacent to each platted lot before said lot is sold."
- ☐ 44. Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e. surface water from a specified stream or river, ground water from a specified aquifer, etc.)
- ☐ 45. The following statement shall appear on the Final Plat for the approved subdivision: "This subdivision will be served by individual, privately owned groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of Lots in the is subdivision is in the office of the County Clerk of Atascosa County, Texas."
- ☐ 46. The following statement shall appear on the Final Plat for an approved subdivision:
"This subdivision will be served by [Name of New Public Water Supply System, and mailing address]. Information on the [Name of New Public Water Supply System] is available to

prospective purchasers of lots in this subdivision in the office of the County Clerk of Atascosa County, Texas."

- ☐ 47. The following statement shall appear on the Final Plan for an approved subdivision:
"This subdivision will be served by [Name and address of Public Water Supply System]. Information on the [Name of Public Water Supply System] is available to prospective purchasers of lots in the office of the County Clerk of Atascosa County, Texas and be stated in the deed restrictions."
- ☐ 48. Signature block for Commissioners Court approval
- ☐ 49. A written certification from a Registered Professional Engineer that the construction plans and pavement designs are in accordance with these Regulations
- ☐ 50. A signed statement by a registered professional engineer certifying that fire suppression requirements of these Regulations have been met.
- ☐ 51. An appropriate statement indicating the types of sewage disposal systems required for the subdivision.
- ☐ 52. The following statement shall appear prominently on the Final Plat: "No homes are to be built or brought onto the lot until floodplain permits have been obtained and application for septic permit is submitted."
- ☐ 53. Each plat will bear in at least twelve (12) point type the following statement "No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Atascosa County Sanitation Officer."
- ☐ 54. Certification that all Lots have been designed in compliance with the Rules of Atascosa County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Atascosa County On-Site Sewage Rules and any request for a variance under the Rules of Atascosa County for On-Site Sewage Facilities.
- ☐ 55. The following statement shall appear prominently on the Final Plat: "No structure in this subdivision shall be occupied until connected to a public water system or an individual water system. Due to declining water supply, prospective property owners are cautioned by Atascosa County to question the seller concerning ground water availability. Rainwater collection is encouraged and in some areas may offer the best renewable water resource."
- ☐ 56. The following statement shall appear prominently on the plat: "No structure or development within the subdivision may begin until Final approval of the plat by Atascosa County Commissioners Court and recording of the approved plat by the County Clerk."
- ☐ 57. Statement regarding Emergency Services District, if applicable.

STANDARD PLAT/VARIANCE APPLICATION CHECKLIST

The following checklist is for the use of the applicant in ascertaining initial compliance with the Non-Standard Plat/Variance Procedures of the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Rural Development Office in processing an application under the Rules. This completed list should be presented to the Atascosa County Rural Development Office with each Application for Non-Standard Plat/Variance consideration.

The following documents shall be submitted as part of the application.

******Incomplete applications WILL NOT be accepted.******

- ☐ Non-Standard Plat/Variance Application – must be filled out in its entirety.
- ☐ A complete copy of deed indicating applicant's ownership of the property.
- ☐ A survey plat indicating the parent tract and the tract being created by the proposed Non-Standard Plat/Variance.
- ☐ Letter from the appropriate electric utility supplier.
Name of Company: _____
- ☐ Letter from the appropriate water utility supplier.
Name of Company: _____
- ☐ If the tract being created by the proposed Non-Standard Plat/Variance has frontage on a state-maintained road, a statement from TxDOT indicating availability of access to property.
- ☐ If the property is within a subdivision, a copy of the Subdivision Covenants, Conditions and Restrictions.
- ☐ If the property is within a subdivision, but Subdivision Covenants, Conditions and Restrictions do not exist, a signed and dated statement from the applicant stating that they do not exist.
- ☐ If the property is within a subdivision, a statement from the Home Owners Association indicating the division of the tract is not in violation of the Subdivision Covenants and Restrictions.

- ☐ If the property is within a subdivision, but a Home Owners Association (HOA) does not exist, a signed and dated statement from the applicant stating that an HOA does not exist.

CURRENT

NON-STANDARD PLAT/VARIANCE APPLICATION

Non-Standard Plat/Variance approval is to be obtained by the owner of the property to be subdivided prior to selling. Therefore, the applicant is the owner of the property to be subdivided.

Date Received: _____ Commissioner Precinct #: _____

Check #: _____

1. Name of Owner: _____

2. Address of Property to be subdivided: _____

3. Mailing Address of Owner: _____

4. Phone Number of Owner: _____

5. Name of Alternate Contact Person: _____

6. Address of Alternate Contact Person: _____

7. Phone Number of Alternate Contact Person: _____

8. Relief Requested (Reference the specific Section/Paragraph of the current Atascosa County Subdivision and Development Rules and Regulations):

9. Reason for Requesting Relief

a. What special circumstances or conditions affect the land involved such that the strict interpretation of the provisions of these regulations would deprive you of the reasonable use of this land.

b. Why is relief necessary for the preservation and enjoyment of a substantial property right of yours?

c. Will the granting of relief not be detrimental to the public's health, safety, and welfare? Please explain.

d. Will the granting of relief not have the effect of preventing the orderly subdivisions of other land in the area? Please explain.

Applicant Signature: _____ Date: _____

ATASCOSA COUNTY SUBDIVISION DEVELOPMENT FEES

Application fee for Plat without roads or flood plain	\$300.00/lot*
Application fee for Plat with roads or floodplain/detention pond	\$6,000 + \$300.00/lot*
Application fee for a Replat	\$100.00/lot created
Minimum application fee for all subdivisions	\$700.00
Application fee to Amend/Correct a Plat	\$200.00
Application fee to Cancel a Plat	\$100.00/lot (plus all publication costs)
Application fee for non-standard plat or variance	\$150.00
Manufactured Rental Home Communities	\$200/lot/home/RV space

These fees are subject to change. It is the responsibility of the holder of the copy of these regulations to maintain a current copy.

*If the proposed subdivision covenants and restrictions meet the adopted requirements, the subdivision may qualify for reduced subdivision fees.

FEE SCHEDULE ADOPTED 10/10/2023 GOES INTO EFFECT ON 1/1/2024. CONTACT THE RURAL DEVELOPMENT OFFICE WITH ANY QUESTIONS.

Required parameters for Subdivision Covenants and Restrictions:

- No manufactured homes
- No private roads
- One home per lot
- No commercial activity unless specifically zoned as such
- HOA is created to enforce the Covenants and Restrictions

If the above restrictions are in place in the covenants and restrictions, then the below subdivision fees are applicable. The final determination is made by the Office of Rural Development.

Application fee for Plat **without** roads or flood plain \$100.00/lot

Application fee for Plat **with** roads or floodplain/detention pond \$3,000 + \$100.00/lot

9-1-1 ADDRESSING SUBDIVISION/ROAD NAME VERIFICATION

Name of Proposed Subdivision: _____

Developer Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Road Names

Length in Linear Ft.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Submitted by:

Date:

Printed Name

Signature

(DO NOT WRITE BELOW THIS LINE)

Approved by:

Date:

Atascosa County 911 Addressing

ESN: _____

Revised 10/10/2023

911 Addresses will be issued upon presentation of approved and filed Final Plat.

Procedures for Registration of Division of Land in Atascosa County

An Owner whose division of land is excepted from the platting requirements of these regulations shall register the division with the County Clerk and submit the following to the Atascosa County Clerk:

- ☐ A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto.
- ☐ A survey of sketch showing the boundaries of the Lots, adjacent roads and adjacent property owners. This may be on tax parcel maps or any other map that allows County staff to clearly determine the necessary information.
- ☐ An executed registration form (provided below) to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the County.

Registration for Division of Land in Atascosa County

I _____, am the owner of the attached filed division of land located at _____ (legal description). I have had the division of land reviewed by the Rural Development Office and they have determined the division of land is excepted from the platting requirements of Atascosa County, Texas. I acknowledge that the property as described in the filed plat description are subject to all on-site wastewater permit requirements and other development permit requirements of Atascosa County and further division of the land will need to be submitted to the Atascosa County Attorney's office for review. I acknowledge that I may apply for a Certificate of Exemption through the Atascosa County Commissioners Court.

Exception Type (see attachment for definitions of each type):

- | | | |
|---|--|--|
| ☐ Agricultural Use | ☐ Family | ☐ 10+ Acres |
| ☐ Veterans Land Board | ☐ State Agency | ☐ Political Subdivision |
| ☐ Divided into two parts | ☐ All parts to original owner | |

Date: _____

Signature: _____

Printed Name: _____

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned Notary Public, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same has been executed for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this _____, 2020.

Notary Public, in and for
State of Texas

Division Type Definitions:

Agricultural: The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as to defined, the platting requirements of this Order shall apply;

Family: The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply;

10+ Acres: All the lots are more than ten (10) acres in area and the owner does not lay out part of the tract [see Chapter 232.001(a)(3), Local Government Code];

Veterans Land Board: All the lots are sold to veterans through the Veterans' Land Board program;

State Agency: The land belongs to the state or any state agency board, or commission or the permanent school fund or any other dedicated funds of the state;

Political Subdivision: The land belongs to a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to adjoining landowners;

Divided into two parts: One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of Chapter 232 of the Texas Local Government Code and these Rules;

All parts to original owner: All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract; or,

ATASCOSA COUNTY MHRC/RV PARK APPLICATION CHECKLIST

The following items **MUST BE** included as part of your application for a Manufactured Home Rental Community (MHRC) or RV Park, in the order listed below:

- ☐ 3 copies (24'x36') and 1 electronic copy of proposed development plan
- ☐ 911 Addressing MHRC/RV Park/Road Name Verification – as previously approved by Rural Development
- ☐ Copy of deed indicating ownership of property
- ☐ Resolution demonstrating authority to execute for any entity
- ☐ Letter from public water utility company or evidence of water availability for water wells
- ☐ Letter of eligibility from County Septic Inspector (when using septic systems)
- ☐ Letter from electric utility company
- ☐ Letter from TxDOT – *if applicable* ☐ N/A
- ☐ Letter from Emergency Services District (ESD) – *if applicable* ☐ N/A
- ☐ Tax Certificates indicating all taxes are paid in full and current
- ☐ Copy of completed Floodplain application and fee or signed and sealed statement by engineer of no flood plain on property
- ☐ Drainage Analysis to include all maps and calculations to support the study, per § 6.2.2.5 of the Atascosa County Subdivision Ordinance
- ☐ Downstream Impact Analysis
- ☐ Electronic copy of Drainage Analysis/Study
- ☐ Road Design and Construction Drawings
- ☐ Electronic copy of Road Design and Construction Drawings

- ☐ Commercial Driveway permit(s) and applicable fees
- ☐ Fire Marshal certification letter regarding fire protection system
- ☐ Master Plan – *if applicable* N/A
- ☐ MRHC/RV Park Development Plan Application Checklist
- ☐ Application for MRHC/RV Park Development plan Consideration
- ☐ Additional Requirements to Ascertain Compliance
- ☐ MRHC/RV Park Development Plan Physical Characteristics and Appearance
- ☐ Construction Costs Estimate Review and Acceptance, including cost breakdown and calculations – *if applicable* N /A
- ☐ MRHC/RV Park Application fee

***** *Incomplete applications will not be accepted.* * * ***

CAUTION: Texas Law requires a landlord to charge sales tax for short rental periods. It is the Operator's responsibility to contact the Comptroller's Office regarding sales tax collection requirements:
<https://comptroller.texas.gov>

ATASCOSA COUNTY APPLICATION FOR MHRC/RV PARK CONSIDERATION

Date Received: _____

Check #: _____

Receipt #: _____

Owner:

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Developer (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Signature: _____

Contact Person (If not same as Owner):

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Name of Proposed MHRC/RV Park: _____

Size and Location of Original Tract: _____

Name of Nearest Public Road/Street to MHRC/RV Park: _____

Commissioner Precinct No: _____ School District(s): _____

Water Service Provider: _____

Electric Utility Provider: _____

Engineer

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

Surveyor

Name: _____

Address: _____

Phone (Office): _____ (Cell): _____

Fax: _____ E-mail: _____

ADDITIONAL REQUIREMENTS TO ASCERTAIN COMPLIANCE FOR ATASCOSA CO.

(This attachment shall be completed in its entirety and submitted as part of the application)

The following checklist is for the use of a Developer in ascertaining initial compliance with the Atascosa County Subdivision and Development Rules and Regulations and assisting the Atascosa County Subdivision Coordinator in processing an application under the Rules. This list does not supersede or replace the Subdivision Rules, and each applicant must comply with the Subdivision Rules, as they are amended from time to time. The General Criteria established throughout this document establish minimum criteria. If the requested subdivision deviates in any substantive way from these criteria established herein, a variance is required. The variance request must be resolved prior to submission of the plat application. This completed list should be presented to the Atascosa County Rural Development Office with each development plan. **Check the appropriate response.**

1. Is any part of the proposed MHRC/RV Park in the extraterritorial jurisdiction (ETJ) of an incorporated municipality? ☐ YES ☐ NO ☐ N/A

If so:

a. Which city _____

b. Does the city control its own ETJ territory for platting? ☐ YES ☐ NO

c. If any part of the proposed MHRC/RV park is in the extraterritorial jurisdiction of an incorporated municipality, have you presented the plat to that municipality for approval?

☐ YES ☐ NO

2. Did you obtain approval from Commissioners Court for any variances from the platting requirements of Atascosa County? ☐ YES ☐ NO

a. If so, is a copy of the approval of the variance attached? ☐ YES ☐ NO

3. Will the roads, streets and alleys of the MHRC/RV park be dedicated to the public?

☐ YES ☐ NO ☐ N/A

4. Will the roads, streets and alleys remain private? ☐ YES ☐ NO ☐ N/A

a. If the roads, streets and alleys, and other common elements are to remain private, will title to them be transferred to a POA/HOA or other entity with the responsibility to maintain them?

☐ YES ☐ NO

b. Will a gate or other device to control access barricade the entrance to the MHRC/RV Park?

☐ YES ☐ NO

c. If the subdivision is to be a controlled access (gated) community, have you provided for a siren-operated automatic gate opener, and a Lock Box and Emergency Response Key, and letters from EMS, Law Enforcement, and Fire Departments? ☐ YES ☐ NO

5. If the MHRC/RV park fronts a TxDOT controlled highway, have you provided a letter from TxDOT for highway access? ☐ YES ☐ NO ☐ N/A

6. Is detention utilized in the drainage study? ☐ YES ☐ NO ☐ N/A

If so, an HOA/POA is required. Have you provided a copy of the document forming the HOA/POA? ☐ YES ☐ NO ☐ N/A

7. Will a Home Owners Association be created? ☐ YES ☐ NO ☐ N/A

If so, is the appropriate statement regarding a Home Owners Association included on the plat? ☐ YES ☐ NO ☐ N/A

8. Will the proposed MHRC/RV park be served by: (check one)

☐ a. A public water system?

☐ b. Private water wells? If so, have you obtained the necessary evidence that potable water is available for each tract? ☐ YES ☐ NO ☐ N/A

9. Will the proposed MHRC/RV park be served by: (check one)

☐ a. On-Site Sewage Facilities (OSSF)? If so, have you attached the required site evaluations? ☐ YES ☐ NO ☐ N/A

☐ b. A municipal sewage disposal system?

☐ c. A quasi-municipal sewage disposal system?

☐ d. A central sewage disposal system?

If b, c, or d applies, have you included Drawings to include engineered plans for sewage installation? ☐ YES ☐ NO

10. If each lot is to be served by private water well AND OSSF, is each lot at least two and a half (2.5) acres? ☐ YES ☐ NO ☐ N/A

11. If each lot is to be served by a public water system and OSSF, is each lot at least 30,000 sq. ft.?

☐ YES ☐ NO ☐ N/A

12. Is the proposed development within an Emergency Services District (ESD)?

☐ YES ☐ NO

If so, have you provided a letter from the ESD indicating the proposed development will be in compliance with their rules and regulations?

☐ YES ☐ NO

PLAT PHYSICAL CHARACTERISTICS AND APPEARANCE FOR ATASCOSA COUNTY

All writing and drawings on the MHRC/RV Park Development Plan must be large enough to be easily legible following recording, and legible at 50% photocopy reduction.

The following information must be indicated on the plat

- ☐ 1. Name and address of the proposed Development
- ☐ 2. Name and address of Owner
- ☐ 3. Name and address of Operator, if different than Owner
- ☐ 4. The original patented survey(s)
- ☐ 5. The volume and page of the current deed, as filed in the Official Public Records of Atascosa County, of the tract being developed
- ☐ 6. Boundary lines and total acreage of the Original Tract and the Development
- ☐ 7. Total number of Lodging Development Units and Recreational Vehicle Spaces
- ☐ 8. Location of Lodging Development Units and Recreational Vehicle Spaces, which shall be numbered sequentially
- ☐ 9. Utility Easements
- ☐ 10. Roads
- ☐ 11. Set back lines
- ☐ 12. Parking spaces
- ☐ 13. Fire hydrants
- ☐ 14. Location of dumpster(s)
- ☐ 15. Public or common areas
- ☐ 16. Buildings (laundry, sanitation, office, etc.)
- ☐ 17. Location of septic dump stations
- ☐ 18. Septic systems, including drain fields (if applicable)
- ☐ 19. Water wells (if applicable)
- ☐ 20. Water supply lines
- ☐ 21. Water storage tank(s) and access easements (if applicable)
- ☐ 22. Electric supply lines
- ☐ 23. Natural gas supply lines (if applicable)

- ☐ 24. Names of adjoining subdivisions or owners of property contiguous to the proposed Development
- ☐ 25. Area map showing general location of Development in relation to major roads, towns, cities, or topographic features
- ☐ 26. North arrow, scale, and date. The scale shall not exceed 1" = 200'
- ☐ 27. Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction (ETJ) of any city
- ☐ 28. Location of any existing structures (wells, cemeteries, etc.)
- ☐ 29. All special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency
- ☐ 30. The Location and size of all proposed drainage structures and features, including on-site retention or detention ponds and easements, and the impact of the Development on drainage
- ☐ 31. Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features (as defined by the Texas Commission On Environmental Quality in Title 30 Texas Administrative Code 213.3)
- ☐ 32. A window insert depicting, to scale, the average Lodging Development Unit and the average Recreational Vehicle Space, as applicable
- ☐ 33. Statement indicating that groundwater is to be the source of water



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type: Request for salary increase based on completion of probation period

Requested Action

Sheriff Soward: Discuss and/or take appropriate action concerning personnel:

Existing Employee:	Jonathan Kurtz
Position:	Deputy Sheriff
Pay Rate:	Move to Tier 1: \$58,000.00 Annually, \$120.00 Uniform, \$175.00 Holiday, 171 Fluctuating, Continue 1-Year Agency Probation
Salary Budget Area:	012-440-410
Start Date:	09/01/2024
Physical:	n/a
Drug Test:	n/a



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

New Employee:

Alfonso Solis

Position:

Corrections Officer

Pay Rate:

Tier 3: \$47,000.00 Annually, 171 Fluctuating,
\$120.00 Uniform, \$150.00 Holiday, 90-Day County
Probation, 1-Year Agency Probation

Salary Budget Area:

012-442-562

Start Date:

09/03/2024

Physical:

Pending

Drug Test:

Pending



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type:

New employee

Requested Action

Comm. Gillespie: Discuss and/or take appropriate action concerning personnel:

New Employee:

Tomas Villalobes Jr.

Position:

CDL driver with Tanker Indorsement/Operator

Pay Rate:

\$46,000.00 annually 40 hours week

Salary Budget Area:

021-400-402

Start Date:

8-26-2024

Physical:

complete

Drug Test:

complete



PERSONNEL ACTION FORM

Please indicate if action to be taken is regarding *new employment or completion of probation*:

Employment Type: Request for salary increase based on completion of probation period
Requested Action

Eliseo Perez:	Discuss and/or take appropriate action concerning personnel:
Existing Employee:	Estevan Hernandez Jr.
Position:	Road crew member with Texas C.D.L. (Completed 90 Day Probation)
Pay Rate:	\$48,000.00 Annually
Salary Budget Area:	023-400-402
Start Date:	August 26, 2024
Physical:	N/A
Drug Test:	N/A

**AGENDA REQUEST
(GENERAL)**

Agenda Item 26.

Meeting Date: 08/26/2024

Item Title:

Submitted For: Weldon Cude, County Judge

Discuss and/or take appropriate action concerning:

Judge Cude: Discuss and/or take appropriate action concerning Medical Examiners Contracts.